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# America

January 14, 1950

Vol. 82, Number 15

A CATHOLIC REVIEW OF THE WEEK

## Notre Dame's Natural Law Institute

A recall to the great tradition of the West

DAVID C. BAYNE, S.J.

### To hear or not to hear

A curb on cacophony for riders in the capital

NORMAN C. McKENNA

### Federal aid to education, II

Can Congress "leave it up to the States"?

ROBERT C. HARTNETT

**EDITORIAL VIEWS UPON:** *The President's State of the Union Address*  
*... Politics and foreign policy ... The streamlined budget ... Resurgent German*  
*nationalism ... Threat to Formosa ... Recognition of communist China ...*

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# CORRESPONDENCE

## He stands by Hippocrates

EDITOR: I wish to express my appreciation to Rev. Edward Duff, S.J., author of the excellent article, "The unrealistic sterilizers," in the December 10 issue of AMERICA.

I was happy that he divulged the so-called research done by Dr. Clarence J. Gamble of Milton, Mass., published in our usually well written *Journal of the American Medical Association*. I agree wholeheartedly with Fr. Duff that by openly advocating sterilization in our State mental hospitals Dr. Gamble *et al.* have not lived up to the inspiring words of the ancient Hippocrates.

Fr. Duff is justified in wondering about the one enormous mystery in the *Journal's* article: the profession's horror of state intervention in the practice of medicine, and the enthusiasm with which many physicians have accepted the practice of sterilization in State institutions. It must be remembered, though, that this practice is sanctioned by State law, and I imagine that our pseudo-intellectual lawmakers are also partly to blame.

At any rate, I am one subscriber to the J.A.M.A. who, as a Christian physician, radically opposes this practice of indirect murder.

PETER J. KITZBERGER, M.D.  
New Ulm, Minn.

## Correction

EDITOR: Since my return from Ireland I have had a letter from Dr. Alfred O'Rahilly, President of University College, Cork, of the National University of Ireland, drawing attention to an inaccuracy in my AMERICA article of August 20, 1949, "Ireland's 'fair deal' in education."

While the correction, owing to my almost three months' absence, is rather belated, it seems worth making. In my article I stated that University College, Dublin, had refused to place crucifixes in its classrooms, on the ground that, although the student body is almost completely Catholic, the university is non-denominational.

Dr. O'Rahilly informs me that there is nothing in the statutes of the university to prohibit the use of crucifixes in classrooms, and that in the Cork college of the University, there are crucifixes in his own office, in the restaurant, the Men's Club, etc. There never has been the slightest difficulty about this.

Dr. O'Rahilly's position in the National University is such that his statement cannot be questioned. I accordingly wish to submit this correction, as I would like to keep the record straight.

CHARLES KEENAN, S. J.  
New York, N. Y.

## Economics and Natural Law

EDITOR: Father Masse in his article "Can Stalin expect a bust" (AM., 12/17/49) says: "No administration . . . will ever again permit the so-called natural laws of economics to work their inexorable way with the American people." In the same article he credits the Kremlin, through the cold war, with helping our prosperity by causing the enormous spending on rearmament.

It seems to me that spending of this kind cannot create a true prosperity and is really one of the causes of the inevitable bust that must follow a boom of this kind. Not all natural laws are only "so-called." Queens Village, N. Y. EMIL TRUNK

## Letters to the editor

EDITOR: I would like to rise to the bait of your invitation to say the following regarding the comment, "Letters to the editor" (AM., 12/17/49, p. 332).

While I agree with you that Catholics seem to be inarticulate on such matters, I feel you have done yourselves something of an injustice in implicitly comparing AMERICA to the other publications that invite such letters. As a group your readers are, I believe, more intelligent than the average reader of certain other publications and consequently do not send in letters merely to obtain publicity or to gripe about some article without thinking about it. This intelligence on the part of your readers reflects the good quality of AMERICA. It must be a high-class publication to maintain such an audience. Also, it seems evident from the context of some other magazines that their editors include articles designed to stimulate reader correspondence—and thus sales. AMERICA, I feel, is not in this class.

Furthermore, the distribution of these other magazines is much wider and brings in more letters, but I wonder if percentage-wise they do better.

In spite of our lack of response, do not be discouraged. We are with you 100 per cent and need your guidance.

FREDERICK J. HAMILTON  
Bridgeport, Conn.

AMERICA receives many long communications which the Editors are unable to publish for lack of space. So that more of our readers may have an opportunity to express their views, we urge correspondents to make their letters as short as possible. Communications of 250 words or less are preferred.—THE EDITOR.

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### *The problem of strategic Formosa*

Formosa is a mountainous island lying 100 miles off the southeast coast of China. From 1895 to the close of World War II it was a Japanese colony, the great showplace of Japan's "Greater East Asia." It is now the last stronghold of the Chinese Nationalist Government. Within recent weeks it has become the symbol of one of the most perplexing problems ever to plague the makers of U. S. foreign policy. Is the United States to take a stand against the advance of communism in Asia and, if so, where? Formosa, a natural fortress, lies perilously close to the outer rim of U. S. Pacific defenses. Should the island fall into the hands of the Chinese Reds, as is likely in the coming year, it will become a potential base for a hostile army and air force outflanking both Okinawa and the Philippines. On the eve of the present session of Congress, President Truman considered the problem. After a series of urgent meetings with the National Security Council it was reported that the President and his advisers had agreed 1) that there would be no military action to occupy Formosa, 2) that limited financial aid and technical assistance might be granted the Nationalists provided that Chiang Kai-shek's resources in gold and foreign exchange are first checked, and 3) that Formosa, though of strategic value, is not important enough to provoke a situation in which Soviet Russia might back the Communists in attacking the island and the United States direct the defense. In keeping with the present negative tone of U. S. foreign policy our Government has reportedly made one decision—that we shall not occupy Formosa. On the positive side, to parry the expected thrusts of opposition spokesmen in Congress, the Administration has decided that it may adopt some form of financial aid for the Nationalists. This is merely another delaying tactic. It provides no solution to the problem at hand and represents no real decision calculated to hinder the advance of communism in Asia.

### *A possible answer*

In the wake of the report that President Truman rejected any plan that would involve occupation of Formosa by American military forces, a sharp foreign-policy fight was developing in Congress. Senator Robert A. Taft (R., Ohio) and former President Herbert Hoover came out for direct military intervention. Senator William F. Knowland (R., Cal.) was demanding information of the State Department on what he termed an "amazing" document indicating that Formosa was about to be written off by the United States. Though Mr. Hoover's proposal recognizes the need for an aggressive policy in the Far East, his suggestion carries too many dangerous implications. It could commit the American people to a shooting war with the Chinese Communists and thus precipitate a third world war. As Senator Henry Cabot Lodge Jr. (R., Mass.) put it, "For a minor military success we might suffer a major loss politically and propagandistically." What is the answer to the problem? Short of further aid to Chiang Kai-shek there remain but two alternatives. They presuppose the abandon-

## CURRENT COMMENT

ment of Chiang and the acknowledgment that for all practical purposes the Nationalist Government is non-existent. They call for direct intervention on Formosa, but under a legal technicality. Until a peace treaty is signed, the island legally belongs to Japan and thus is subject to occupation by the Supreme Command of the Allied Powers. The island could be turned over to a UN trusteeship, the first alternative, or to the same forces now occupying the Japanese mainland, the second alternative. This would at least have the effect of neutralizing Formosa. Once a peace treaty is signed, a plebiscite would enable the Formosans to determine their own future. The plan has its risks. Direct intervention is likely to be labeled "Yankee imperialism" and may tend to alienate other Far Eastern peoples. There would be the difficulty of dissolving Chiang's Government and of undertaking economic and administrative responsibility. Any plan devised to meet present conditions, however, must involve considerable risk, which sooner or later we shall have to face.

### *U.S.-British rift in the wind*

The present flurry of excitement in Congress over Formosa has had its repercussions in the British press. Several reliable newspapers have expressed fears over "dangerous confusion" and "serious misunderstandings" in U.S.-British relations on the subject of recognition of communist China. According to the *Times* of London if the United States should continue to recognize the Nationalist Government as the legal government of China, "a plan which is already absurd," Britain and the United States "would find themselves recognizing opposite sides in a squalid and useless struggle in the China Sea." It is not clear why this should influence our attitude toward recognition of communist China. Neither is it clear that "the struggle in the China Sea" is a useless one. Except for the brief period between 1913 and the Hoover Administration, this country has held to the uniform practice of basing recognition not on the constitutional legitimacy of a new regime, but on its capacity to fulfill its international obligations. In other words, recognition has nothing to do with the approval or disapproval of any particular form of government. It merely means that we are confident that the new nation is capable of assuming its place in the family of nations. Communist China is poised as a threat to the freedom of Southeast Asia. It is this threat that makes the struggle anything but

"squalid and useless." Since Red China is not ready to assume its international obligations, it is not to the interest of the United States or to world peace to grant it recognition. Communism will never be stopped by pouring millions into Europe while giving encouragement, however slight, to the same scourge in the Far East. There will be no rift in U.S.-British relations if Great Britain presents a solid front with America, not only in Europe but wherever communism is a threat.

### **Catholics in Indo-China**

With new nations being born in the Far East, it is interesting to notice how many Catholics are affected by recent political events. The most populous province of French Indo-China is Viet Nam. On December 30 it began a new life as a Republic with a limited dominion status when the French High Commissioner signed an agreement with the infant Republic's first President, Bao Dai (AM., 12/31/49, p. 377). The French have turned over a large portion of sovereignty but have retained control over defense operations and the conduct of foreign relations. The 140,000 French troops now in Viet Nam will remain so long as Ho Chi Minh, Moscow-trained leader, wages war on Bao Dai, who now controls about 40 per cent of the country's population. Of Viet Nam's 20 million inhabitants, one-tenth are Catholics. This proportion makes it, apart from the Philippines, the most Christian nation in all Asia. Its long-established native clergy number 1,500. Communists have recently made elaborate but futile attempts to trap Viet Nameese youth into pseudo-Catholic-Action organizations. Clergy and laity alike have been proudly enrolled among the martyrs, like their forefathers who gave 100,000 martyrs to the faith in the nineteenth century. In order to strengthen their people for the ideological struggle ahead, the bishops of Viet Nam are trying to obtain scholarships in this country for thirty or forty of their most talented youths. The bishops want to create a vanguard of young leaders in Catholic Action and social regeneration. Rev. E. Jacques, S.J., is in charge of this constructive and far-sighted apostolate.

### **Misinterpreting America**

Many Frenchmen, writes Etienne Gilson, eminent French Catholic philosopher, in *Le Monde* for December 18-19, 1949, are complaining that Americans are not interested in Indo-China as a barrier to the onward

march of communism in the Far East. The French wonder why we do not come to the defense of their dominion in this hour of crisis. The reason, explains M. Gilson, is that we will aid the colonial countries if and when the United States finds in them a market for its industrial and agricultural surplus. Beyond that, our interest in colonial peoples is nil. We become "anti-colonial" at the precise moment when we can no longer ship them any of our goods. "It makes little difference whether China is yellow or red, whether Indo-China is French or independent," he repines; "the only thing that counts is whether it will be possible to do business with them." According to this philosopher turned political analyst, we are not "greedy." We simply have only one interest in life—material prosperity. This estimate of American motives is becoming dangerously common among Europeans. Our own Congressmen must share the blame for this misinterpretation of our foreign policy. Many of them return from "quick-see" trips to Europe with talk about being "tired" of helping Europeans. Thoughtful persons on both sides of the Atlantic ought to show a greater sense of responsibility than such remarks reveal. Has M. Gilson stopped to think how like the Kremlin's anti-American propaganda his ill-considered observations sound? Does he imagine for a moment that his derogatory estimate of American foreign assistance is going to spur us into doing more for France? If he does, the scholarly philosopher is not cutting much of a figure as a common-sense psychologist.

### **Trygve Lie's New Year**

Poor Trygve Lie. As Secretary General of the United Nations he is expected at the beginning of each new year to be officially hopeful and urge the world to the higher paths of peace through international solidarity. Those perverse Arabs and Jews (not to mention those Russians) are continually spoiling his pitch. On December 31 Israel formally rebuffed the request of the UN Trusteeship Council that the Jewish State cease transferring government offices to Jerusalem in defiance of the General Assembly vote to internationalize the Holy City. "A needless attempt" was Israeli delegate Aubrey S. Eban's description of the Trusteeship Council's mandate to write a statute for Jerusalem. "I don't believe we need to fear any serious attempt to carry out the plan," said Moshe Sharett, Israel's Foreign Minister, on January 2 to his Parliament, sitting in Jerusalem against the will of the world community. The UN vote of December 9 was achieved by a combination of the Communists and Catholics, he explained. The Catholic attitude manifested, in Mr. Sharett's judgment,

a fanatical religious dogma, the desire to seek revenge for a nation's sin and to settle an account of 1,900 years standing.

Hitler may have used more violent language, though none of the Führer's phrases comes to mind—beyond his counsel of the "big lie." Mr. Sharett offered no explanation of the identical UN decision in the votes of November 27, 1947 and December 11, 1948.

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### And now, Abdullah

Trygve Lie's official serenity must also have been shaken by the report of the Arab News Agency that King Abdullah of Jordan will any day incorporate into his kingdom the parts of Palestine his army occupies—including the Old City of Jerusalem. On January 2, Abdullah, visiting Iraq, declared that he wished "all good to Syria"—an ominous hint of his ambitious plans to create a Greater Syria under Hashamite control. This was a threat serious enough to prompt the Great Power diplomats, including James G. McDonald, American Ambassador to Israel, to warn their governments. Rampant competing nationalisms, that made necessary the internationalization of the Holy City, rather spoil Trygve Lie's cheery New Year's chirp.

### Paris: same old merry-go-round

The French have a saying for it: "*Plus ça change, plus c'est la même chose*" ("The more things change, the more they remain the same"). Consider, for example, the French budget. Nowhere in the world is there a more complex, confused, riotous, nerve-racking, back-scratching process than the making of a French budget. It matters little who the Premier may be, or what his political affiliation, liberal or conservative, Radical Socialist, Socialist or Popular Republican. Before the unruly Assembly accepts his budget he must struggle through strenuous days and endure sleepless nights. His sense of timing must be perfect. He must be a horse trader *par excellence*. He must in turn weep and laugh, threaten and coax, cajole and expostulate. Finally, after every conceivable compromise has been made, he must stake the life of his Government by casting his bread upon the waters. If he is lucky, France gets a budget more or less balanced. From this traditional process Premier Georges Bidault emerged on January 2, worn and buffeted, with the slimmest of majorities. Such was the cleavage between the Socialists and the Radical Socialists (the leftists and rightists in the Cabinet) that the days of his Government are surely numbered. Only the threat of a new election, which de Gaulle has been demanding for two years, saved him. It cannot save him, or the strange coalition over which he presides, much longer. Yet, there is no assurance that an election will settle anything. With de Gaulle seemingly weaker than a year ago, no party is likely to gain a majority. Such a result would mean another coalition as unstable as the one which has governed the past three years. *Plus ça change, plus c'est la même chose*.

### More abundant farms

Only one out of every five persons in the United States lives and works on the land. Yet, with our efficient agricultural methods, we are able to supply our own food and help feed a large portion of the world. Of late we have begun to share our food-producing skills with our Latin-American neighbors. The Department of Agriculture has maintained at least six agricultural stations in Latin America. The United Fruit Company has been conducting a magnificent school in Honduras designed to train a proficient group of small, independent farmers.

Since 1942, a largely U.S.-inspired Pan-American venture, the Inter-American Institute of Agricultural Sciences, has been engaged in important experimental work in Costa Rica. Now George W. Gray, of the Rockefeller Foundation staff, has revealed how American scientists and Mexican technicians and workers have set up agricultural innovations in Mexico that may well change that country's future. At comparatively slight expense to the Foundation—\$1,301,825 for the first five years of the enterprise—and somewhat more to the Mexican Government, new strains of basic Mexican food crops have been introduced. Some of these strains offer from 20 to 100 per cent higher yield than old native stocks. After only five years of work, almost one-tenth of Mexico's vital corn acreage is planted in these newly developed types. The increased yields are critically important to Mexico where, in 1946, the average man found only 1,909 calories of food available each day, contrasted with the minimum 2,550-2,650 calories declared necessary to maintain normal health and working capacity. The beginnings are small, but we are on the right track in helping Latin America increase its output of food. By doing so, we are raising living standards for the undernourished populations there. In time we may even be able to help them gain the increased strength and leisure to develop into equal partners in a prosperous Western Hemisphere.

### Let the whole truth be told

The Foreign Relations subcommittee headed by Senator McMahon (Dem., Conn.) will soon hold hearings on the UN Genocide Convention, which, because it is considered a treaty, must be ratified by a two-thirds majority of the Senate. Last week we registered our strong opposition to any plan which would authorize one organization to present a single brief in behalf of all the citizens' groups favoring the Convention. This procedure would present an easy target for the opponents, who would promptly cry "pressure-group!" as did opponents of the new displaced-persons bill in a similar situation last year. Whatever efficiency might be gained by embodying all endorsements in a single statement, the fact remains that many independent presentations would carry far more weight with the subcommittee. Why, for that matter, should an organization of six million Polish-Americans be willing to let its name be lost among a hundred others signed to a single brief? Our chief reason for calling on all interested groups to present their own briefs independently, however, is our desire to see the educational and propaganda values of the hearings exploited to the full. Everyone should be aware that the Genocide Convention is directed against those latter-day genocidists, the Cains in the Kremlin. The relatives and friends of their victims should be given every opportunity to spread the story of Soviet tyranny on the record. Arrangements should be made for full coverage of the hearings by the Washington corps of world press and radio representatives. The "Voice of America" should beam the detailed charges to every one of its listeners behind the Iron Curtain. Senator McMahon, who has led the way in calling for penetration of the

Iron Curtain by more and more information from the West, should be the first to welcome the extended hearings which could serve that purpose. Any attempt to curtail the hearings, for whatever reason, will deprive the United States of a powerful weapon in the cold war.

### **Lewis hogtied?**

It could be that John L. Lewis, who had a bad year in 1949, may have a worse one in 1950. Following several false starts, some of the operators, bitter over the three-day work week imposed by the mine leader, have bobbed up with a new plan of campaign which Mr. Lewis, for all his resourcefulness, may find impossible to counter. On December 28 the Southern operators asked Robert N. Denham, general counsel of the NLRB, to seek an injunction against John L. They charged that he is using coercion (the three-day week) to force them to sign a contract containing an illegal union-shop clause. For good measure, they also accused Mr. Lewis of refusing to bargain in good faith and of interfering with their choice of a bargaining agent. These actions are also unfair labor practices under the Taft-Hartley Act. If Mr. Denham, who is taking plenty of time to make up his mind, should decide to get an injunction, Mr. Lewis may be tied hand and foot for goodness knows how long. Under the Taft-Hartley Act, the injunction would remain in effect until such time as NLRB got around to assessing the charges against Mr. Lewis. It might well be a year or more before the Board would be ready to hand down a decision. During all this time the miners would be working without a contract, and working a five-day week. If Mr. Denham acts, Mr. Lewis will thus be faced with the bitter choice of either submitting to the injunction or calling a full-scale strike. Should he risk a strike, the President would be quickly forced to invoke the emergency sections of the Taft-Hartley Act. In either case, Mr. Lewis would find himself under injunctive restraint. A very smart operator himself, the mine leader must be admiring the ingenuity of the Southern employers—and hoping against hope that Mr. Denham turns them down.

### **COL: a domestic drama**

"We're having a bit of an argument," admitted the husband, somewhat grumpily. "We certainly are," his wife agreed, "and I didn't start it either." "What's the dispute about?" asked we, using our best mediatorial style. "It's like this," volunteered he. "Since the cost of living is lower now than it was a year ago, I had the temerity to suggest that the household budget for 1950 could be cut somewhat—not much, you understand, but somewhat." "To which," chirped she, "I replied that I needed more money, not less—as any man would understand if, for a change, he shopped for meat or bought our seven-year-old's shoes." The reply to this being more or less unintelligible, we decided, quickly calculating the risks, to intervene. "Does either one of you," we asked, "ever watch the monthly releases on living costs issued by the Bureau of Labor Statistics?" "No," chimed the antagonists in this domestic drama. "Well," said we, "it

might help to do so. Take the latest report, for instance. It shows that on November 15 the price index was 2 per cent lower than it was a year ago. Food is cheaper, and so are clothes and house furnishings. But rent is up, and gas and electricity, too." "Exactly," said he. "You see, I'm right, dear. You can't argue with facts; you can only admit them." He sat back with a satisfied grunt. "Oh," said she, "I can quote things, too, like that saying about three kinds of lies, the biggest one being statistics. But tell me," she continued, turning in our trembling direction, "what does your BLS say about this year?" "Nothing," said we. "What do you say about the prospect?" persisted she. "Food will be down, rents up," we ventured. "It will probably cost about as much to live in 1950 as it did in 1949." At that he stirred uneasily in his chair, as if anticipating the feminine logic that was coming. "You see," smirked she, triumphantly, "since it will cost *at least* as much to live this year as last, and since I didn't *really* have enough money last year, my budget *simply* must be bigger this year." How the play ended we do not know—but it is sure to be staged in many a home and factory as 1950 unfolds.

### **You have my ear**

The Wedding Guest, held captive by the Ancient Mariner's glittering eye, could only beat his breast when he heard the loud bassoon. Harold Ross, *New Yorker* editor, did no breast-beating when he heard the loud commercials echoing through New York's Grand Central Terminal; he beat a drum in his magazine. Rather to his surprise, we suspect, his drum-beating attracted quite a crowd; and the next thing you know, the Public Service Commission was holding hearings on the matter. Pollsters for the New York Central Railroad produced figures to show that 85 per cent of the commuters did not mind the broadcasts; a Columbia University expert criticized the pollsters; a psychiatrist testified that the commercials could produce a suppressed rage which would bring on psychosomatic disturbances; the railroad's psychiatrist suggested that people like that were a bit batty to begin with. On New Year's Day the New York Central quietly threw in the towel and decided to abandon the broadcasts. Less fortunate than the New Yorkers are the citizens of Washington, D. C., as appears from the article "To hear or not to hear," on page 435 of this issue. But there is yet hope. The National Citizens Committee Against Forced Reading and Forced Listening will surely take heart from the fact that the embattled commuters have made the powerful New York Central holler "Uncle." We wish the NCCAFRFL well. Freedom from commercials may seem a small thing to make such a fuss about. But it is important to keep alive the habit of vigilance, of resistance to unreasonable encroachments upon our personal lives. And we congratulate the New York Central (as well as the New York, New Haven and Hartford RR., which also uses the Grand Central Terminal) for yielding so gracefully once it became clear that its broadcasts were not pleasing to the public it exists to serve.

## WASHINGTON FRONT

From all around the world Congressmen have returned to the ancient ritual of bean soup in the Capitol dining-rooms and to bright new spangles and plush in the modernized Senate and House chambers, and a new session is under way. The dominant impression in the opening days was less of peaceful assembly than of the beginning of gigantic struggles. The calendar said January, but most eyes were on November and a national election.

There is the tussle between Congress itself and the President; the maneuvering between Fair Deal Democrats and Southern conservatives; the deepening Republican cleavage over the extent of GOP cooperation in the bipartisan foreign policy. And always, of course, there are pressure groups seeking to advance or throttle bills affecting their own little businesses and/or rackets.

Because this is an election year, political overtones will attach to everything, and the difficulties of constructive leadership will be immense. Will this issue or that bill attract or repel votes back home? This will be the yardstick applied frequently by many Congressmen. Fair Deal Democrats are out to advance their program or to hold Republicans accountable for failures. Republicans hope to be able to claim they have helped contain what many of them believe is a trend to socialism. Mr. Truman will get much less than he seeks. But what he doesn't get he will talk about in November.

Since the war, most of the really bitter congressional fighting has been on domestic affairs; bipartisanship has eased foreign policy over the rough spots with only mild opposition in principle and sometimes in implementation. That is less so now, and there will be severe hammering on foreign affairs. There seems a real resurgence of isolationism among Western and Midwestern Republicans. The isolationists include some pretty fair politicians and they apparently think their people will support watering down the foreign program. Some Democrats, too, have returned from Europe dissatisfied with what the Western European nations are doing under the ERP, and are insisting ECA appropriations be cut.

Congressional criticism of the Administration's weak China policy have been growing steadily; it was never so intense as it is today. Far Eastern affairs have not come within the bipartisan policy, but even GOP members fairly friendly to the Administration in most overseas matters are indignant and bitter about China.

Need for government economy is reported by most returning Congressmen to be the issue closest to the hearts of the constituents they talked with during the recess. But prospects of either enough new taxes or enough economies to provide even a near approach to a balanced budget are just about non-existent. There will be much economy talk. But Congressmen may be little inclined to trim appropriations in an election year; they will rather try to please every group. **CHARLES LUCEY**

## UNDERSCORINGS

In its first year the relief program of the Pontifical Mission for Palestine has grown to "gigantic proportions," reports Msgr. Thomas J. McMahon, president of the mission, according to an NC dispatch from Beyrouth. In Israel, the mission is now distributing 700 bales of shoes and clothing from America. Its work projects provide a living for thousands; it runs 23 distribution centers for food and milk; and gives free hospital care. In Arab Palestine, it gives free schooling to thousands of Catholic, Orthodox and Moslem children; has 25 distribution centers; and gives tons of foodstuffs through parish organizations. In Jordan, the mission has opened five new schools to accommodate 8,000 Jordanian and 2,000 refugee children. In the largest of these it gives the children a hot meal each day and provides warm clothing. It also operates 11 food-distribution centers.

► We don't mind waiting twelve months for the kind of thank-you note that came in the other day from Woodstock College, Woodstock, Md., saying thanks for the notice in Underscorings on Jan. 1, 1949 about their free Home Study Course in Catholicism. From five continents and 35 States 650 applications have come in during the year; and the theologians have sent out 3,500 books and pamphlets. If you have a non-Catholic friend who *might* be interested, tip him off about the course.

► James O. Supple, religion editor of the Chicago *Sun-Times* and correspondent of Religious News Service, has been given one of the awards of the City Commission on Human Relations for his "honesty and fairness" in reporting the activities of religious and racial groups. AMERICA readers may remember Mr. Supple as author of the stimulating article "A Catholic daily: advance or retreat?" (AM. 8/20/49).

► Mrs. Fred J. Fisher, widow of the organizer of the Fisher Body Company, has given \$1,000,000 to the University of Notre Dame. \$750,000 is to be used for a new dormitory building, \$250,000 as a fund for loans to students who are willing to work their way through school, to be repaid after graduation.

► On New Year's Eve the Trappists of New Melleray, near Dubuque, Iowa, celebrated the centenary of the foundation of their monastery. In December, 1849, ten Trappists from the Irish Mount Melleray, 70 days out from Ireland, and having lost five of the original party by cholera, reached Dubuque, to found the first Cistercian monastery in the Middle West.

► Bishop William A. Griffin of Trenton, N. J., died suddenly on Jan. 1 at the home of his sister, Mrs. Frank J. Currall, in Elizabeth, N. J. Bishop Griffin was born Nov. 20, 1885 in Elizabeth, studied at Seton Hall College and Immaculate Conception Seminary, South Orange, and was ordained Aug. 15, 1910. He became auxiliary bishop of Newark in 1938 and was appointed to the Trenton diocese in 1940. May he rest in peace. **C.K.**



## The Fair Deal matures

One would hardly pick up Richardson's edition of the *Messages and Papers of the Presidents* for light reading. By and large, the annual messages to Congress of our thirty-three Chief Executives make drab reading. Radio, and especially television, however, added to the custom revived by Woodrow Wilson of personal delivery before the joint houses, have at least enlivened the annual occasion. Harry S. Truman, in fact, seemed visibly to enjoy it when he strode up to the speaker's stand in the newly decorated chamber of the House of Representatives on January 3 at 1 p.m. to declare: "I am happy to be able to report to you today that the state of the Union continues to be good."

His audience—the members of Congress, government officials, the press, and guests—responded quickly to his optimistic presentation of the Administration's foreign and domestic policy. The President himself fell into a very jovial smile and even an audible laugh when he pinned the blame for our unbalanced budget on the tax reductions enacted by the Eightieth (Republican) Congress. It soon became evident from the audience-response that balancing the budget will evoke more interest than any other issue in this session. The President followed up his reference to deficit-financing by declaring:

To meet this situation I am proposing that Federal expenditures be held to the lowest levels consistent with. . . .

Here he was drowned out by a spontaneous outburst of applause: Congress lost no time in letting the President know that its interest lay in the words he had already uttered, promising a cut in spending. It was not equally interested in listening to the qualifications he was going to put on that proposition. Mr. Truman is not the man to be thrown off his stride easily, so he immediately and good-naturedly improvised: "I think I'd better read that over. You interrupted me in the middle!" Then he finished the sentence:

. . . consistent with our international requirements and the essential needs of economic growth and the well-being of our people.

To impress upon his listeners the importance of the qualification their applause had interrupted, he interjected: "Don't forget that last phrase."

This episode vividly dramatized the basic issues between the Administration and its critics. The President and those who follow his leadership are bent on pushing the Fair Deal program forward. Their argument is that the expenditures entailed are *required* in view of the complexity of international affairs and by the *necessity* of expanding our domestic economy to raise the standard of living of our people. Opponents put less stress on the *objects purchased* through these outlays and more stress on their *cost*.

At least in one respect the vast majority of Americans can be proud of their President: he is growing in his ability to translate his program into terms of the sound American principles that the program is meant to reduce to practice:

## EDITORIALS

We must make our decisions in the conviction that all men are created equal, that they are equally entitled to life, liberty and the pursuit of happiness, and that the duty of government is to serve these ends. This country of ours has experienced many blessings, but none greater than its dedication to these principles. . . . These ideals . . . have enshrined for us a principle of government, the moral imperative to do justice and the divine command to men to love one another. These principles give meaning to all that we do.

In regard to the Far East, otherwise unmentioned, his policy seems to be to appeal to its peoples in terms of democratic freedom and higher standards of living. This sort of policy will probably fall short of what the crisis demands. But it will have to be part of any policy directed towards any foreign problem we face. In that sense the Fair Deal is finding a mature spokesman in President Truman.

## Politics and foreign policy

The foreign policy of the United States cannot entirely avoid running into the cross-fire of partisan politics which will mark the new sessions of the Eighty-First Congress. The Federal budget is bound to be a hot issue. Our foreign-aid program is costing about \$3.8 billions for the fiscal year we are now in, 1949-1950. President Truman is expected to propose a reduction to about \$3 billion for 1950-1951. Many critics of the program have proposed much sharper cuts, averaging about \$1.5 billion. Some Congressmen seem inclined to shut off the aid altogether.

Sensing the great danger of seeing our foreign policy lowered into the doughts of purely partisan antagonisms, Senator Vandenberg (R., Mich.) called a press conference when, after undergoing major surgery for a lung ailment, he returned to the Capitol on December 21. To fend off needless and harmful party strife, he tried to lay down the lines along which the bipartisan foreign policy he sired could be kept intact. He came out for cuts in ERP, without suggesting the amount of the cuts. But he insisted: "I certainly don't intend to run away from any obligations of the United States." In the field of foreign relations he will continue to urge that the Republican Party shall put "national security ahead of partisan advantage."

Within five days Senator Wherry (R., Nebr.), Republican floor leader, sounded off in complete contradiction to his Party's senior member of the Foreign Relations Committee. He took exception to having foreign policy made "by bipartisan bigwigs," i.e., Mr. Vanden-



berg and his colleagues. Senator Jenner (R., Ind.) immediately lined himself up with Mr. Wherry. On December 27, Senator Morse (R., Ore.) called on his fellow-Republicans to rally round bipartisanship against the attacks being made on it by the Party's Midwestern ring.

Meanwhile, in Illinois, former Rep. Everett Dirksen, campaigning to replace Sen. Lucas (D., Ill.) this fall, threw his by no means meager talents into the anti-bipartisan camp.

Fortunately, no similar gap is dividing the Democrats in this all-important area of national interest. However recalcitrant Southern Democrats may be on some domestic issues, as a body they have always stood for international cooperation. It looks as if they will continue to do so.

In some sections of America our people may be more inclined than in others to give ear to short-sighted demands for radical curtailment of ERP. In an election year, when one-third of the Senate and the entire House of Representatives must appeal for votes, politicians will be strongly tempted to blame high taxes on "ungrateful" Europeans. ERP will be labeled a "handout." The huge sums of money it costs will be brought home to the voters.

The question every voter, and every politician, should ask is, not how much it costs, but how much it is worth. Sober reflection will reveal that our foreign-aid outlays have been, as Paul G. Hoffman, ECA Administrator, has said time and again, a "good investment."

Aren't the economic, political and military objectives of ERP, as a whole, being largely achieved? Hasn't Western Europe, prostrate in 1946-47, been remarkably strengthened? Isn't war much less likely today, as a result? The answers are in the affirmative. Why, then, break off before the agreed-upon termination in 1952 a program so beneficial to us? Partisan advantage is surely no excuse for junking this great machine in 1950.

## Streamlined budget

In a general way we are all stockholders in the biggest business in the world—the United States Government. Every single one of our 150 million people, in some way or other, benefits (that is, receives "dividends") from the far-flung activities which have their origin in the White House and on Capitol Hill. Directly or indirectly, every single one of us pays taxes to support these activities.

In theory, all adult citizens should as a consequence have a lively interest in the national budget, in much the same way that a corporation's stockholders should be concerned about its profit-and-loss statement. Such an interest is part of the responsibility of democratic citizenship, a responsibility that grows with the growing importance of government.

Unfortunately, between ideal and practice there is a large and almost frightening gap. No Gallup Poll is needed to show us that millions of Americans have only the vaguest notions about the spending and taxing operations of their government. Even those who pay taxes

directly are often ignorant, not merely of important details, but even of over-all budget figures. Unless they happen to see a headline on their sleepy way to work in the morning, they are uncertain whether Uncle Sam was in the red or black last year, or what the prospect is for this year.

Such gross ignorance is inexcusable, but perhaps not so inexcusable as it may seem. Financial reports are just about the hardest reading matter in the world, and when a financial report weighs approximately three pounds, as the Federal budget does, and runs to more than 1,000 pages, the average citizen is likely to throw up his hands in despair. Accordingly, we heartily applaud the Administration's decision to issue this year a supplementary budget designed for the normal human being. This budget will be "baby-size," running to about forty pages, and will be a condensation of the big budget which the President is sending to Congress on January 9. There will be a picture—more accurately a graph—on every page, and the midget will sell for only fifteen cents a copy.

That is not the only innovation in the Government's budgetary plans that we like. For the first time the budget this year will show, for about ninety per cent of the appropriations, exactly how the people's money will be spent. It will list the various activities of the Government, together with the sum which the President thinks is necessary to carry them on. This is called the "performance budget." Its use was strongly recommended by the Hoover Commission on Reorganization of the Executive Branch of the Government.

Another change which appeals to us is the separation of the Government's capital spending from its running expenses. There is a big difference, after all, between the money the Government lays out for a capital asset like the Tennessee Valley Authority, and the money it spends on Labor Department salaries, or on assistance to the blind and the aged. The latter, financially speaking, is money down the drain; the former is a revenue producer and makes a permanent addition to the nation's physical wealth. There are sound reasons why capital outlays of this kind should not be charged against the budget for any one year, but should be spread over many years. Such a procedure gives a fairer picture of the Government's actual financial position than does the traditional practice of lumping all spending together.

This type of budget, which is called a "character classification budget," is not, however, a capital budget in the strict sense of the term. It will not take into account depreciation on the White House or on Hoover Dam, or list an intangible asset like "good will," or enumerate investments in real property, as a corporation's capital budget does. If corporation practice were followed, the budget for fiscal 1951 would show a surplus, not a \$3 or \$4 billion deficit, as it is expected to do.

These and several other innovations should produce a more accurate account of the Government's financial status than we have ever had before. It will also be easier to understand. With high taxes and vast government spending as big issues in the 1950 elections, these changes assume considerable importance.

## Rebirth of German nationalism

Alarms over the revival of radical, reactionary German nationalism continue to make the headlines. It is characterized as "the most dangerous, long-term problem" facing the Western Powers and the government of the Western German Federal Republic.

The growth of various neo-fascist parties and organizations—such as Dr. Otto Strassers's Rally for Germany's Renewal, described in *AMERICA* (9/17/49, p. 639) by Leonard J. Schweitzer—contributes to these fears. World War II hero Pastor Niemöller's fine record of anti-Hitler resistance has become considerably clouded by some of his recent utterances, his latest being that he would prefer a Germany unified under the Russians to a Western Germany dominated by the Americans. In the Eastern Zone, the Russians are whipping up a frantic nationalistic chauvinism in order to attract the Germans and embarrass the West.

In Bavaria, thousands of Nazis have returned to positions in the state and local governments, and are reasserting themselves in commerce and industry. Accusations are aimed against Bavarian leaders—men who were non-Nazi or even anti-Nazi—on the ground that the "Rightist" Bavarians have a "philosophy similar to that held by the Nazis." The danger is heightened by the well-known indifference of the average German towards participation in political affairs.

Considerably more personal inspection will be needed in order to form a complete picture—pro or con—of the resurgence of German nationalism. In the meanwhile, certain rather obvious data need to be kept in mind.

1. It is completely confusing to identify the conservative and traditionally religious tendencies of the Bavarian people or their leaders with Nazi tendencies. These leaders, chosen by the democratic process, represent the majority of the people. The Bavarians believe in a degree of Bavarian autonomy which has often been described as "separatist" and which is the direct opposite of centralized German nationalism.

In point of fact, the Bavarians, in defending their right to parochial schools, are carrying on the same fight that they waged against Hitler and the Nazi gauleiters.

2. The participation of the German people in the West German Government elections of August 14, 1949, does not prove much, one way or the other. The elections certainly did not reveal any strongly nationalistic trend. Eighty per cent of the eligible voters turned out for the first free vote in a decade, but only 16 per cent of these voted for parties which could in any way be called nationalistic. On the other hand, it is not clear that the heavy voting record freed the German people—as is claimed by Max Jordan, NCWC correspondent—from the charge, based on a recent public-opinion survey in the American zone, that they are politically apathetic. Germans will vote from a sense of duty that does not necessarily imply keen interest in either the parties or the issues. Did such real interest exist, one would have expected larger attendance at the numberless political gatherings. The turn-out at these was reported as being in general surprisingly small.

3. In discussion of German nationalism the point most generally ignored is the attitude of the German Socialists. Present-day European socialism is not notably international in spirit. European workers are more attached to national interests than are the bourgeois. Despite efforts made by the leaders of the Social Democratic Party's convention at Hanover in 1946 to give the party more of a humanistic basis, the Social Democrats seemed to have failed so far to propose a general solution of the social question. They confine themselves to a strictly class-conscious defense of the workers. It was the "leftist" socialist leader Kurt Schumacher who nearly disrupted initial sessions of the new Federal Parliament at Bonn by his intemperate attacks upon the "internationalist" concessions in the matter of control of the Ruhr industries made by the conservative Prime Minister, Adenauer. In point of fact, Dr. Schumacher's chief anxiety seems to have been simply for preservation of jobs for German workers, since, as he held, the international trustees would look only to the interests of big business.

4. No single element in German life contributes more to anxiety and frustration, and therefore to the danger of a radical nationalist revival, than the unsolved question of Germany's refugees. In a New Year's interview President Theodore Heuss of the West German Federal Republic listed the refugee problem as the most important facing the German Government in 1950. The presence of nearly ten million persons from Eastern Europe and the Soviet German zone crowded into an already devastated area is a terrible threat to the political and social security of all Europe (*AM.*, 10/1/49, p. 688).

Added to this new and bona fide question of "living space" is a crucial spiritual and pastoral difficulty for German Catholicism. Germany's heroic Caritas organization is struggling under an unmanageable task. Writing in *Blackfriars* for November, 1949, Otto B. Roeggele remarks that, despite some shining exceptions, "Catholics in the country have not shown up well under the strain which the refugees have placed upon them."

Completely unrealistic are those who comfort themselves by imagining an essential contradiction between Soviet foreign policy and a militant, unified German state. Equally unrealistic are those who confuse Bavarian conservatism with rightism, neo-fascism and resurgent Nazism. As even Drew Middleton, chief alarmist on the German nationalist revival, observed (*N. Y. Times Magazine*, November 13, 1949):

If the moderate nationalists, who would be termed patriots elsewhere, are treated as demagogic rabble-rousers and militarists by the rest of Europe and by the United States, then that is what they will become.

The year 1950 calls for sober and accurate thinking on this topic. Above all, it calls for a "solution," in Dr. Heuss' words, "through international action," of the agonizing problem of the German refugees. One great alleviation, even if not a complete remedy, would be a thorough reappraisal of their immigration policies by the governments of South America, Australia and the United States. It is difficult to agree with U.S. High Commissioner John J. McCloy that this is purely an internal problem to be handled solely by the German people.

# Notre Dame's Natural Law Institute

David C. Bayne, S.J.

JUSTICE OLIVER WENDELL HOLMES was unable to attribute "... to man a significance different in kind from that which belongs to a baboon or to a grain of sand ..." When he condoned the compulsory sterilization of a human being, he showed very forcefully the immediate and baneful effects of a man's philosophy of law on his day-to-day actions and conduct. The annual debates on the floor of the legislature of Massachusetts and other States over the legalization of contraceptives and the morality of birth control indicate that the same false philosophy governs the lives of many American legislators. The criminal laws of numerous States treat abortion as something in the nature of a misdemeanor. Justice Black evidenced his philosophy in practice when, in the *McCullum* case, he forbade as un-American an impartial governmental assistance to all religions. At bottom such a decision is founded on what is at best agnostic legal philosophy.

## PRAGMATISM, POSITIVISM, LEGAL REALISM

A cross-section of the legislative and judicial maladies of the United States indicates a sorely diseased legal philosophy. The men fronting for such a philosophy have generally carried the banner of "The Magnificent Yankee"—Oliver Wendell Holmes.

What is important for our consideration here is that for the last fifty or sixty years American legal philosophy has been dominated by just such men. Their schools of thought have adopted various names: pragmatism, positivism, functionalism, legal realism. Ultimately, however, they can all be labeled *legal positivists*. Their doctrine regards all law as man-made. It recognizes no divinely authorized standards of right and wrong to which human laws must conform. Men's rights are determined by majorities. A year ago, at the meeting of the Association of American Law Schools in Cincinnati, the panel on jurisprudence was given over exclusively to legal positivism in some form or other.

## NATURAL LAW ADVOCATES

Contrasted with this array of legal positivists, spokesmen for the legal philosophy based on Natural Law have been few. Isolated and sporadic pamphlets and articles have appeared from time to time. Men like Harold R. McKinnon of San Francisco and the late Walter Kennedy of Fordham University School of Law have made themselves heard. But, by and large, both bench and bar have been kept in woeful ignorance of the teachings of the scholastic philosophers on the Natural Law or of the practical applications of Natural Law philosophy to the everyday problems of court and law office.

*The importance of the Natural Law as a practical safeguard of human rights and dignity spotlights the third annual Natural Law Institute sponsored by the School of Law of the University of Notre Dame. Mr. Bayne, Jesuit and lawyer, discusses the Institute as a sign of the trend of the times—the resurgence of the Natural Law in legal thought.*

Where the cause of this should be placed is difficult to say. The twenty-odd Catholic law schools of the country have not expended a major effort in the espousal of the Natural Law doctrine. Their journals have been relatively silent on the subject. Catholic judges and lawyers cannot be blamed, for many of them have received little or no specific Natural Law training. In the end, the circle becomes vicious. It is simply a question of how to break into it.

## THE SIGNIFICANCE OF THE INSTITUTE

It is into this background that the Natural Law Institute at Notre Dame fits itself. Founded on the firm conviction of the importance of the Natural Law as the medicine for our distressed legal thought, the Institute has achieved a significance that is in many respects greater than itself. It is a symbol of the renewed interest in the Natural Law. More than that, and of even greater importance, the Institute spells out a new awareness that the Natural Law must be studied in more practical terms. It cannot serve as the foundation of a legal philosophy until it is developed further than it has been and is applied to contemporary issues in terms that modern lawyers and judges can understand.

Even what might be called the accidentals of the Institute point up this peculiar significance. Some reflection on the men, the attention of the public, of the press, of the bench and the bar engenders the thought that here is new vigor and new enthusiasm. The meetings held at Notre Dame on December 9 and 10, 1949, like those of the year before, were sponsored by Alvin A. Gould of Cincinnati. He is a far-sighted businessman who feels strongly the universality of the nature of man and sees in the Institute an opportunity to give full voice to his beliefs. He has given further evidence of his convictions by founding a Natural Law library at Notre Dame, by publishing the annual proceedings of the Institute, and by commemorating the Institute in a bronze plaque as an external symbol of the principles to which the Institute is dedicated.

Ultimately, of course, the impetus behind the Institute is Notre Dame's, in the persons of Dean Clarence E. Manion, of its School of Law; Rev. John J. Cavanaugh, C.S.C., president of the University; and the law students. Many others have made appreciable contributions both in and out of the Natural Law school. Arthur Krock in his column in the *New York Times* for November 29, 1949 presented an able discussion of the Natural Law and quoted to advantage the colorful Federal Judge Jerome Frank of the famous Second Circuit in New York as saying:



I cannot understand how any decent man can today refuse to adopt, as a basis for modern civilization, the fundamental principles of Natural Law, relative to human conduct, as stated by Thomas Aquinas.

When men with the stature and antecedents of Arthur Krock and Judge Frank join their voices to the Natural Law movement in this way, we have warrant enough for pointing to the Institute as sign of an upturn in legal thinking.

#### THE SIGNIFICANCE OF WHAT WAS SAID

Much as one might be impressed with the accidentals of the Institute as indicative of a Natural Law resurgence, the real value of the Institute must finally rest upon the essentials, or what was actually said.

From this aspect two of the speakers loom up as especially important. Richard O'Sullivan and Edward S. Corwin highlighted the struggle of the past between the legal positivists and believers in Natural Law, and at the same time augured the change towards heightened attention to Natural Law thinking and Natural Law concepts. Stephan Kuttner, the Jewish-convert canonist from Catholic University, and General Carlos Romulo, former President of the Philippines and President of the UN General Assembly, on the other hand, contributed little to our particular consideration, scholarly and sound though their addresses were.

The Honorable Richard O'Sullivan was admirably equipped to speak as a member of the Natural Law school. His position of authority in London, as King's Counsel, Master of the Bench, Middle Temple, and Member of the General Council of the Bar in England, gives him the right to special attention when he speaks out as a Natural Law proponent.

What is more heartening to a critical inspection is what Mr. O'Sullivan had to say. He at once strengthened the position of the Natural Law and attacked the ineptitude of the positivist school in face of the challenges of today, thus sharpening the line between the two camps.

Mr. O'Sullivan's thesis was that "the Common Law of England and of the United States is the only great system of temporal law that came out of the Christian centuries." In very deliberate progression he traced the deep influence of the Natural Law on the Common Law of England, and hence on the Common Law of the United States. Before the Norman Conquest its builders were Ethelbert, Ine and Alfred; after the Conquest they were William, Langton, Bracton and Glanvil. He summarized his progress midway with a quotation from Maitland:

It is by popish clergymen that our old Common Law is converted from a rude mass of customs into an articulate system, and when the popish clergyman . . . no longer sits as the principal judge of the King's court, *the creative age of our medieval law is over.*

In outlining the proof for these statements, Richard O'Sullivan performed a great service by establishing the tradition and intrinsic reasonableness of the Natural Law position, and by pointing to a Natural Law awakening. That was half of the significance of his paper.

In the course of his lecture, however, Mr. O'Sullivan shifted from a positive portrayal of the logic of the Natural Law to an attack on the philosophy of the day. Speaking of his own nation, he said: "After the Reformation, the Parliament of England was no longer bound by the law of nature or the law of God."

The philosophy behind these words is essentially one with the philosophy of the legal positivists. As Mr. O'Sullivan continued, one would have thought he was speaking of Mr. Justice Holmes rather than of Sir Hartley Shawcross, K.C., M.P.

In the year 1946, Sir Hartley Shawcross, K.C., M.P., Attorney General, spoke *the orthodox constitutional doctrine*: "Parliament is sovereign; it may make *any laws*. It could ordain that all blue-eyed babies shall be destroyed at birth . . ."

This reasoning, and the philosophy beneath it, are not distinguishable from the philosophy that condones sterilization and abortion, and may condone mercy-killing.



Whereas Richard O'Sullivan could be considered as part of a Natural Law rebirth, Professor Edward S. Corwin of Princeton could serve as an indication of a shift to Natural Law consciousness. Dr. Corwin could never be termed a legal positivist, it is true, yet he is not a long-time member of the Natural Law school. Corwin carried on in his study from where O'Sullivan left off. He set as his thesis

. . . to demonstrate how very large a part of its content American Constitutional law has always owed, in fact still owes, to its Natural Law genesis.

The significance in this statement lies not so much in what was said—it has been said by scholastic philosophers before—as in its having been said by Dr. Corwin, leading authority on our constitutional history.

Not only did he contribute to the positive enunciation of Natural Law doctrine and tradition, he also reiterated his displeasure at two notable instances of failure to apply Natural Law principles—the recent decisions of the Supreme Court of the United States in *McColum v. Board of Education of Champaign County, Illinois*, and *Terminiello v. Illinois*. He said: "These decisions, to my way of thinking, were very ill-considered . . ."

Dr. Corwin was one of the first of the outstanding writers on law to line himself up against absolute separation of Church and State as defined by Justice Black and his colleagues.

With the threat of further domination from the pragmatists, the positivists, the legal realists, it is heartening, and indeed most significant, to hear prominent men, lawyers and scholars, speak of Natural Law and natural rights, God-given and inalienable. The Notre Dame Natural Law Institute is in truth a harbinger of a return to reason in the field of jurisprudence.



# To hear or not to hear

Norman C. McKenna

THE CONTROVERSY OVER COMMERCIALS aimed at captive commuters is becoming national news. The storm first blew up in Washington, D. C., when the Capital Transit Co. installed radios in buses and street-cars. Invasion of New York's Grand Central Terminal by radio advertising brought vigorous protests to the Public Service Commission. Public hearings were held in both cities. When Washington's Public Utilities Commission formally approved the radios on December 19, a National Citizens Committee against Forced Reading and Forced Listening came into being to safeguard the citizen's right to be alone with his thoughts.

Radios in transit are now well known in at least a half dozen big cities. Their appearance in the capital, however, started a flurry of angry letters to the press. The dailies then disclosed that District officials had also received many protests, and, as the officials promptly added, some letters in favor.

Is the installation of radios on public vehicles in the interest of public comfort, safety and convenience? That was the question which the District of Columbia's Public Utilities Commission said it would consider at public hearings (inaugurated in Washington on Oct. 27, 1949 and concluded on Nov. 1) in the District's Board room. The question turned out to be but one of many raised by the exchange of views between officials and citizens and between citizens who liked radios in public and citizens who didn't. No middle ground was visible.

The hearings were at once stormy, amusing and thought-provoking. The storms arose when angry opponents of radio in transit unceremoniously challenged or heckled those who testified in its favor. There were guffaws when some witnesses went to absurd lengths to fashion reasons in defense of the radios. And there was material for disturbing thought in the cavalier manner with which radio fans dismissed the complaints of those who deemed the radios an invasion of privacy. It is always disturbing to hear people confess, in effect, that they cannot stand silence or inactivity.

When the public hearings were announced, those who felt most strongly on the issue swung into action. One opponent of the radios mailed 1,000 postals to ensure a good attendance. Citizens' associations, which dot every section of a city whose citizens have no vote, passed resolutions for or against the transit radios. On the first day of the hearings some 300 campaigners flocked to the Board room to have it out.

Taking first the aspect of safety, the commissioners summoned to the witness stand police safety officers, transit inspectors and other city officials. Statistics of accidents involving vehicles wired for sound and vehicles unwired were cited to show that the radios had not been

an accident factor. Drivers and motormen, the officials said, have apparently not been disturbed by the continuous flow of music, news, weather reports, time announcements and commercials. Unofficial polls taken showed a majority of drivers favoring the radios.

This testimony drew some scattered fire, but obviously the issue of safety was not the one on which the main battle was to be joined. It was only when witnesses brought in considerations of convenience and comfort that the audience dropped its capital-of-the-world poise and let fly with verbal brickbats. Objective of this fire, it developed, was not what we generally consider convenience or comfort but, rather, the right to privacy.

Establishing the right to privacy as the main issue was not easy for the antis, because the pros brought up more than one diverting side-issue. Most notable

of these was an argument that radios in transit would prove invaluable in case of a metropolitan disaster. No one said "A-bomb," but a radioactive cloud was clearly perceptible in the background. The plea for emergency use made so little impression on the audience that one wit-



ness' pathetic appeal for "protection of your loved ones" drew sardonic laughter.

But the antis persevered in focusing attention on the question of privacy. Does anyone have the right to compel you to listen to a radio program? The question started off a lively exchange. You can change the program on your home radio when you don't like it, or shut it off, if you want silence—you can't do either on a radio-bus.

You can shut off the radio in a taxi, can't you?

The city engineer then on the stand parried that question by challenging the proposition that a person is entitled to privacy in a public vehicle. He noted that one cannot be sure of privacy in a Washington taxi because group riding is permitted, that is, several fares traveling in the same direction must be accepted. Then, he added, a bus is not a place where one may expect privacy. This was apparently given off as an observation; such an opinion, with official weight, would surely rock many a town meeting.

The pros then tried another tack. Since some objected to the number and repetition of commercials, should they not object as well to the newspaper custom of filling page after page with ads, varied only by a column or less of news?

The answer was snapped back swiftly: You don't have to read ads, but you do have to listen to commercials on the bus-radio programs. So the exchange of fire brought the belligerents back to the major issue: privacy.

This was the issue which elicited the meatiest arguments. It was pointed out that the public had no say as to whether it might ride in silence or with radio accompaniment. If it had to listen to radio programs, chiefly transcribed music, then the public should have some say as to its choice of music. But the public was not given any say at all. Even those who had a kind word for the music had nothing but indignation against those who made it impossible to ride anywhere in Washington without music.

One witness created a flurry among radio fans by remarking that some people liked to use the morning ride to work to make a mental organization of their day. The possibility that some people might like to spend time in *thought* was apparently as startling to the radio fans as would be the suggestion that some people might like to spend the time in silent prayer.

If you luckily have not encountered transit radio, you can easily get the same effect by switching on your radio and mentally planning tomorrow's activities. The first impression may be that tomorrow's program will be positively the nicest you have set for yourself in years. But it is more than likely that tomorrow's schedule will be not without travail. No matter how sweetly the bus radio sounds, life, even in a radio-bus city, simply is not the harmonious thing the transit radio makes it seem to be.

And there's the rub. How does one face serious problems when one's whole being is attuned to the most unrealistic version of life imaginable—life as presented on the musical stage?

A daily double dose of this sort of thing amounts to a forced injection of romanticism for all whose income brackets compel them to rely on public transportation. This aspect so enraged one rider that he recalled the report that Hitler had tried to drive Austrian Chancellor Dollfuss mad by forcing him to listen to continuous nazi broadcasts. One can sympathize with suspicions that the radios are part of a plot—not, this time, by a dictator, but rather by hucksters. Having claimed every inch of visible space for their posters, the hucksters are now perfecting a device which effectively corners the consumer—he can shut his eyes, but he can't shut his ears.

To city officials and transit companies, bus radios obviously offer a relief much to be desired—a new source of revenue. Transit systems keep growing, and never stop improving service; so one can understand the transit people grasping at any means of increasing revenue. But there comes a point where the company teeters on the brink of serving its budget (or profits) before it serves the public.

Would a plebiscite solve the problem? That question was answered negatively by the *Washington Post* (Oct. 29):

... the right answer to the question posed will not be found by trying to decide what a majority of Washingtonians want. The question is, rather, whether those who object to compulsory listening to radio programs are entitled to protection and whether public safety may be eventually jeopardized

by the distracting influence of loud music on susceptible drivers of public conveyances.

While the *Post* gives equal weight to privacy and safety, the emphasis at the public hearings returned repeatedly to the protection of privacy, with safety falling into a position of secondary concern.

To the city-dweller, the protection of privacy is no small matter. In his present situation he is beset on all sides and in almost all public places by the persistent persuasion of the huckster. As a result, the only privacy left to him, outside his home or office, is to be found in the territory of the mind. If he would seek silence in any public place, he can find it only in a church or a library. Elsewhere, as the huckster has jubilantly made plain, he is fair game for the commercial, visual or audible.

Surely we are caught in a rearguard action when even *Time* magazine, no hater of hucksters, heads its news item on transit radios: "No Hiding Place."

(Norman C. McKenna is a newspaperman working in Washington, who travels between his home and Capitol Hill by radio-bus.)

## Federal aid to education, II

Robert C. Hartnett

NOW THAT THE VARIOUS BILLS involved in the Federal-aid controversy have been explained (AM. 1/6), it is time to point out the precise constitutional issue raised by the provisions of the Thomas general-aid measure which leave the inclusion or exclusion of non-public-school children in the bus-transportation feature of the bill at the option of each State.

### NATIONAL AND STATE CITIZENSHIP

Every citizen in the United States enjoys what is called "dual citizenship." He is at the same time, but from different points of view, a citizen of the *United States* (national citizenship) and of the *State in which he resides* (State citizenship). This dual citizenship is the mainspring of our Federal system of government. It forms the basis of Federal civil-rights legislation.

Moreover, national citizenship is primary, and State citizenship secondary. As the Fourteenth Amendment (1868) phrases it:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

Ever since the adoption of this Amendment national citizenship has been adjudged paramount by Federal courts. State citizenship is secondary, being derived from United States citizenship (Burdick, *The Law of the American Constitution*, 1922, p. 325).

This primacy of national citizenship over State citizenship, though it was contested by "States' rightists" before the Civil War, is logically required as a corollary of the national-supremacy clause of our Federal Constitution, which ensures that in all cases of conflicting jurisdiction the Federal Constitution and all laws passed by Congress "in pursuance thereof" shall take precedence:

This Constitution, and the laws of the United States which shall be made in pursuance thereof . . . shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding (Art. VI, sec. 2.).

Nothing could be clearer than this supremacy of national over State laws under our Constitution. National citizenship is equally paramount.

We now have to ask ourselves two pointed questions.

The first is this: when Congress considers a bill to aid education in the States, is it concerned with the educational opportunities of citizens of the *States* or of the *United States*?

The question answers itself. Congress has no direct concern with citizens of the States. The responsibility of Congress is to citizens of the United States. Federal aid is proposed because the poorer States cannot provide *United States* citizens the kind of education which *national* needs require. Unless an ill-educated citizen of Mississippi somehow proved a national liability as a citizen of the United States, Congress would have no reason to bother about his education.

An ill-educated citizen of Mississippi, for example, becomes a national concern for three reasons. First of all, as a national citizen he elects U. S. Senators and U. S. Representatives. The national welfare depends on the caliber of the representatives he sends to Washington. This happens to be emphatically true of all the Southern and border States under the existing American political pattern. Everyone knows that members of Congress from those sections now hold the balance of power in Washington. Hardly any legislation can be passed without their approval. Secondly, *national* prosperity depends on the economic and social efficiency of the individual citizen in Mississippi. In earning his living, for example, he is a part of our national, as well as of Mississippi's, economic system. Thirdly, he may, as he has a perfect right to do as a citizen of the United States, very well move out of Mississippi into some other American community. Nearly 3 million persons have in fact migrated from the South since 1940. If they lack the skills needed to fit into a highly complex industrial society, they become a millstone around the neck of the community into which they move. Their education is obviously to some extent a national concern, precisely because they are not only citizens of one of the States but also citizens of the United States.

Our second question is this: should Congress, in granting Federal funds in aid of education to the States, allow those funds to be used in some States to discriminate against a certain class of citizens of the United States? Putting it another way, should Congress, for example, let

the State of Wisconsin deny the use of Federal funds for bus transportation to parochial-school children, when such use is constitutional, is required by justice, and is in fact made in the State of New York?

Remember, Congress is forbidden by the Fifth Amendment to deprive any person of "life, liberty, or property, without due process of law." The term "due process of law" is regarded as having the same meaning as the much more explicit phrase in the Fourteenth Amendment which forbids the States to deny to any person "the equal protection of the laws." This means that under the Fifth Amendment Congress cannot pass any legislation "which inflicts inequality of burden, which is clearly arbitrary, and without any basis in reason" (Burdick, *The Law of the American Constitution*, p. 326).

#### IS THE THOMAS BILL CONSTITUTIONAL?

I contend that the Thomas bill, by "leaving up to the States" the option of granting or withholding Federal funds in payment of bus transportation for citizens of the United States (parochial-school children), thereby

becomes a party to such arbitrary and therefore unconstitutional action. Congress would in effect grant the aid in New York and deny it in Wisconsin, to persons in the very same category. This is contrary to the constitutional requirement of "equal protection of the laws." It is also subordinating national legislation to State legislation, with badly discriminatory results.



Either Congress has a responsibility in the field of education or it hasn't. If it has, it has the same responsibility to citizens of the United States everywhere. If "leave it up to the States" is a sound argument, then Congress ought to leave education and the problem of financing it entirely up to the States—i.e., it should not pass any Federal-aid law at all. It can't in one and the same law claim and disclaim responsibility.

I might add that this argument does not apply in quite the same way to the States themselves. Although I certainly question the justice of denying bus service to nonpublic-school children in any State, the denial at least applies equally throughout the State. I do think that any State which allows some counties or school districts to grant such service while it allows others to deny it is a party to the violation of "equal protection of the laws." Citizens should not be placed at the mercy of the whims of local administrators. Just laws must be uniform in their administration.

The question should be raised, however, whether the States which deny bus transportation to children attending nonpublic schools are not themselves violating the Fourteenth Amendment. This Amendment makes it illegal for any State to "deny to any person within its jurisdiction the equal protection of the laws" (Sec. 1).



In the *McCollum* decision of the U.S. Supreme Court (March 8, 1948) this possibility finally received some attention. This was the case in which the Court, by a majority of 8-1, declared the Champaign, Illinois, system of "released time" religious instruction in public schools to be unconstitutional. It was labeled a violation of the prohibition, in the First Amendment to the Federal Constitution, of any law "respecting the establishment of religion." The reasoning on which the Court reached this conclusion was the same as its reasoning in the *Everson* (New Jersey bus-transportation case) of February 10, 1947. This reasoning has been subjected to criticism in *Equal Rights for Children* (America Press, 25c each).

#### CAN STATES DENY BUS RIDES?

It should be noted that in the *McCollum* decision Justice Robert H. Jackson revealed deep-seated misgivings about the way the Court was applying the First Amendment to religious issues—despite the rather inexplicable fact that he concurred in the *McCollum* decision.

At one point he turned his analysis back to the 1947 *Everson* decision on bus transportation and suggested that the position I am now taking in regard to "equal protection of the laws" might, if properly unfolded, be valid. As Mr. Jackson had himself voted *against* the *Everson* decision, *i.e.*, against the constitutionality of letting nonpublic-school children share in publicly supported bus services, what he said deserves much more careful consideration than it has yet received.

If it could, in fairness, have been said that the expenditure [by the State of New Jersey for bus service for nonpublic-school children] was a measure for the protection of the safety, health or morals of youngsters, *it would not merely have been constitutional to grant it; it would have been unconstitutional to refuse it to any child merely because he was a Catholic* (*Supreme Court Reporter*, 68, March 15, 1948, 476. *Italics added*).

This strikes me as a strange "if." The authority of the States to pass such legislation in the first place has for generations been termed the "police power." This power has always been defined in terms of the authority of the States to "protect" the "safety, health or morals" of its citizens. Why Mr. Jackson should require explicit proof that bus transportation falls under this heading therefore completely eludes me.

The point is that, given the need of protecting the "safety, health or morals" of children by providing bus transportation to and from school, Mr. Jackson would agree that it would be unconstitutional to deny it to any group of children. That is my position. Since the need of such a service seems to be accepted in every State as regards public-school children, why should we have to prove such a need in regard to nonpublic-school children? However, if all Mr. Jackson is waiting for is such proof, it ought to be easy to supply it, though that is not my present purpose.

A recent decision of Francis T. Spaulding, New York State Commissioner of Education, shows how the principle of "equal protection of the laws" operates in a State which applies the principle to bus transportation.

Mrs. Thomas H. Casson of Somers, Westchester County, N. Y., appealed to the Commissioner in order to force the central school district to provide free bus transportation from her town to St. Joseph's Parochial School in Croton Falls, N. Y., a distance of 5.5 miles. Construction of St. Joseph's School began in March, 1949, and was completed in time for the opening of the school year in September. In April, 1949, at the request of parents of children who would be admitted to this school, the pastor wrote the central school district. He stated that the new school would have a kindergarten and the first six grades, that twenty-eight pupils had already been enrolled, and that he wished to ask for transportation for the children.

The school board failed to reply. It ignored the request at its annual meeting on May 3. On May 23, however, the board advised the principal of St. Joseph's School that transportation would be provided on the same terms as it had been furnished to St. Mary's Parochial School—which had no kindergarten class. The board said specifically that no bus service could be arranged for the dismissal of the new kindergarten class at 11:30 A.M., because the budget for transportation had already been established.

On September 12, 1949 a special meeting of the central school district was held to decide whether to appropriate \$750 for the transportation of kindergarten pupils of St. Joseph's School. By a majority of 22-21 they voted "no."

When Mrs. Casson petitioned the State Commissioner of Education to overrule the central school district, he cited New York's Education Law in favor of the petitioner: "It is well recognized that a kindergarten need not operate for the full school day. . . ." He said in "a great number" of public schools, kindergarten instruction ends at midday.

It is my opinion that kindergarten children are entitled to be returned to their homes at the close of the kindergarten session rather than compelled to await the completion of the school day and to be returned with the other pupils. I hold that the promotion of the best interest of said children requires them to be returned at the close of their session.

In this opinion of November 29, 1949 Mr. Spaulding therefore ruled that "the appeal is sustained. It is ordered that the board of education of this district proceed forthwith to provide transportation."

This is what we mean in a democracy by "the rule of law." Aristotle was the first to underline this great principle of justice: "The law is reason unaffected by desire" (*Politics*, Book III, Ch. 16, 1287a). This is what the people of Massachusetts meant when they wrote their State constitution of 1780, "to the end it may be a government of laws and not of men" (Bill of Rights, Art. XXX). This is what our Federal Constitution means by "the equal protection of the laws." We are therefore asking for no more than simple justice when we ask for bus transportation for *all* children, not merely public-school children, in the use of Federal aid-to-education funds.



# You can't win

Charles Keenan

BETWEEN JUNE 4 and July 30, 1949, AMERICA published a series of seven articles by Rev. George H. Dunne, S.J., exposing the anti-Catholic bigotry informing Paul Blanshard's book, *American Freedom and Catholic Power* (Beacon Press, Boston, 1949). The articles were so well received that it was decided to reissue them, as an America Press booklet, *Religion and American Democracy*. For booklet publication the articles had to be cut in order to fit a forty-eight page format, which was found to be the most practicable one.

These cuts seem to have caused no small stir in the editorial offices of the *Nation*, the New York weekly in which the Blanshard articles first appeared which subsequently became *American Freedom and Catholic Power*. On November 5 the *Nation* carried an editorial entitled "Oh, Leave That Out!" in which it commented upon the excisions. Noting that the America Press booklet carried the Imprimatur of Francis Cardinal Spellman, the *Nation* reproduced some of the deleted passages and invited its readers to ponder the Cardinal's "selectivity." (How much Cardinal Spellman had to do with the whole affair we shall see presently.)

The *Nation* drew attention, for instance, to the omission of the following passages from Father Dunne's article on "The Church and Science" (AM. 7/23/49, pp. 459-461):

Nothing, of course, can be said in defense of the exploitation of relics, medals and novenas for fund-raising purposes. Those who are guilty of these abuses easily rationalize them. The primary object is the encouragement of prayer and pious practices. The fund-raising is incidental and is, after all, for pious purposes.

The rationalization is inadmissible. It is a reflection of an age and a society in which money is king. However worthy the cause for which money is sought, its influence is bad. It can cause men to compromise ideals, water down the teachings of Christ, cultivate the rich, ignore the poor.

The trouble is that it is impossible to serve both God and Mammon, much less to enlist Mammon in the service of God. Those who attempt to do so, however much they may rationalize their position, inevitably wind up in the service of Mammon. (p. 461).

The obvious implication is that the Cardinal blue-penciled the paragraphs in question because they reflect upon Catholic ecclesiastics and may be supposed to lend weight to the Blanshard thesis that the Church runs a relics industry as a vast and lucrative racket.

The real explanation is simple—much too simple for minds that have swallowed the Blanshard bigotry, hook, line and sinker. The cuts were made, not by the Cardinal or his censors, but by the present writer. I undertook to shorten the articles only after protesting strongly—and being overruled in the interests of publication costs—that the articles should be published intact. The cutting

was done for one purpose only—to bring the articles down to a suitable size for making into a 48-page booklet.

This explanation has been offered to the *Nation* editors three times—once in AMERICA (11/12/49, p. 144), once by Father Dunne in a letter to the *Nation* (11/26/49), and once by myself in another letter to the *Nation* (12/24/49). I was also able to assure the *Nation* editors that the text submitted by me to the archdiocesan censors, and given the Imprimatur by them, was the complete, uncut text of the AMERICA articles.

But the *Nation* editors are still muttering in their beards that neither Father Dunne nor I have chosen to explain why I cut these passages. They have passed over in silence the total collapse of their original thesis about Cardinal Spellman's "selectivity." Since the Long Arm of the Cardinal has proved to be a figment of their own imaginations, they now have to find something sinister in the deletions made by Father Keenan. Let me spell out how these were actually made.

My chief preoccupations as I regretfully ran a pencil through Father Dunne's fine prose were 1) to cut as little as possible; 2) to cut where it would save most space (e.g., if the last page of a chapter contained only seven lines, the deletion of seven lines would save a whole page); 3) to maintain the continuity of Father Dunne's argument. I would willingly have retained the passages cited above, but since something had to go, and since Father Dunne had already spoken in some other passages of the abuse of relics and miracles and of the corruption of religion by wealth (*Religion and American Democracy*, pp. 37, 38, 39), I decided that they could be sacrificed. Other deleted passages queried by the *Nation* were judged on the same basis.

This, however, is merely for the record. I have no hope that the *Nation's* editors will accept my explanation. Nor have I any hope that the explanation will ever catch up with the original misrepresentation. As I was writing this, my attention was drawn to the *New Age* for December, 1949—an organ of the Supreme Council 33rd Degree Scottish Rite Masonry, Southern Jurisdiction, U.S.A.—from which I learn that Mr. Blanshard is spreading in Boston the *Nation's* insinuations of November 5. The *New Age*, indeed, improves upon the *Nation's* innuendo and says flatly (p. 719) that the paragraphs were omitted "by direction, be it noted, of Cardinal Spellman's office." What the next accretion to the legend will be I hesitate to surmise.

Would it be too unkind to end with a tailpiece gleaned from *Time*? In its December 26 issue *Time* relates that the *Nation* commissioned Yale Law Professor Fred Rodell to write an article on the Supreme Court. When the article came in, executive editor Harold C. Field was delighted with it. Later, however, he told Professor Rodell that Miss Freda Kirchwey, the *Nation's* editor, refused to publish the article unless certain criticisms of Justice Frankfurter were deleted, since her "personal relation with Justice Frankfurter is such that she cannot afford to publish such criticisms of him in her magazine." In editorial work there are cuts and cuts.



## MEMBERSHIP REPORT, CONTINUED

If our latest list of new Associates reads like a page from the Toledo telephone directory, our Associate Otto F. Wenzler of that city is to blame. Mr. Wenzler organized a dinner meeting for Dec. 12 at the Toledo Club. Rev. Charles E. Sullivan, S.J., journeyed from Detroit to tell the sixty guests about AMERICA and our Associates. The result was the most substantial Christmas gift the Editors received. We offer public thanks to Mr. Wenzler and to Father Sullivan, and also to Thomas E. Saxe Jr., of New Canaan, Conn., whose Christmas check for \$250 was a welcome addition to our Associates fund.

We are encouraged by Mr. Wenzler's Toledo experiment to hope that other Associates in other cities may offer to organize similar meetings, for which we can provide the speakers. In nine months the number of AMERICA'S ASSOCIATES has grown to 600. We hope with your help to celebrate our first birthday with 1,000 Associates.

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# How Broadway fares in London Town

William J. Igoe

IN MARCH, 1897, HENRY JAMES of London and Rye took his pen and, in a despatch to *Harper's Weekly*, indicted the drama of his adopted country in the following terms:

There are dozens and dozens of stages and thousands and thousands of shows; but the white cliffs of Dover continue to constitute, to the east, the rigid limit of their appeal to the civilized consciousness.

James was fifty-four years old and had been a playgoer since childhood; in a workshop that was a literary laboratory he had labored on the forms and content of the theatre. He named his essay *The Blight on the Drama*.

The great novelist and critic was consistent in his view of the English-speaking drama in his century. In 1875, the younger Henry James of East Twenty-Fifth Street, New York City, greeted with upraised eyebrows the works of Dion Boucicault playing to crowded playhouses. The American theatre, he noted, was a "superficial" institution. That same year, the large smooth face, brought to London, was turned as blandly upon Irving's *Macbeth*: gracefully, the eyebrows stood to attention. "Mr. Irving's acting," he observed, "is, to my mind, not of a kind to provoke enthusiasm."

His judgment, in neither instance, was in error. The English theatre had touched a nadir of mediocrity. After Sheridan and Goldsmith, writers found greater freedom for their talents in the novel. When, playing *Othello*, Edmund Kean fell whispering to the boards at Drury Lane, the magnificent classical drama, adequately played, was to be eclipsed for nearly a century. During Victoria's reign English passion was spent in "dark Satanic mills"; art became diversion. In America, for different reasons, the "civilized consciousness" found no more to sustain it. As in Europe, dedicated writers turned to prose fiction. Hawthorne, Melville and James had their peers abroad; they were the inferiors of none. A good American tradition of acting was being forged, but writing for the stage had not realized itself as an American thing. Native and imported hacks wrestled with shopworn forms, filling these with puritan violence infused by philosophies drawn from the snobbery of solemn housemaids and illiterate duchesses. Broadway, a colony of London, awaited its Washington. West of the white cliffs, as James and William Archer said, a blight was on the drama.

Perhaps O'Neill was that Washington; today, fifty years later, the scene has changed. Americans are writing the most vital plays staged in Europe. English audiences are good; we have fine classical actors; writing is poor. The first quarter of the new century brought Shaw, Galsworthy, Barrie, Maugham and Coward to give bromides to the theatre. Séan O'Casey, the purest genius in the

## LITERATURE AND ARTS

medium for centuries, flared, spent his great talent and receded into the sputtering fire-works of political invective. In 1949 the works of these writers, apart from a few of Shaw's comedies, the uneven and philosophically bogus *St. Joan* and three pieces of early O'Casey, are as outmoded as 1914 aircraft.

Inspired by a decrepit *politique* (the Marxism of the two Dubliners), by social concepts that died with poor Ronald Firbank and by a humanitarianism that, ironically, produced Hitler, they are as remote from present, and eternal, values, as our pound sterling is from 1912. They are as dated as the bustle, and as significantly in the rear. We have one brilliant craftsman, Rattigan. One young writer with vision to see man in our times, and the skill to express him in his plays, Christopher Fry, has come to the fore. His *The Lady's Not for Burning* will be staged in New York, by John Gielgud, in 1950.

The year 1949 has been America's year in the West End of London. Ten plays from New York are presently running. Two of these, I believe, are the best and most adult I have seen in years. Two are bad.

Musicals have the greatest staying power; the brave happiness of *Brigadoon*, *Oklahoma!* and *Annie Get Your Gun* draw the town. An interesting cross-section of American theatre since 1900 is available. *The Belle of New York*, a gay grandmother, is prancing for suburban audiences. The innocent frivolity, with its peculiarly urban attitude to the country and peasantry, of *George Washington Slept Here* amuses at the Strand. *The Golden Door*, an old-fashioned piece, tender with the *bonhomie* of Manhattan Jewish family life, is entrancing family groups at the Embassy. *The Dark of the Moon*, a poetic commentary on puritanism, was a *succès d'estime* at the Ambassadors. James' own *Washington Square*, impeccably adapted and played as *The Heiress*, has filled our best theatre, the Haymarket, for nearly a year. The exhumed *The Return of Peter Grimm*, David Belasco's oddly dramatized table-rappings, recently was delivered from the Aldwych and a purgatory of British drama criticism. The witty *Philadelphia Story* opened three days before the death of Philip Barry.

The frontiers of Broadway are now on the white cliffs of Dover. As John Mason Brown implied, when reviewing the curious cinema case-history, *White Heat*, it should be a considerable thought to Americans that for generations they have been culturally infiltrating the older civilizations. European audiences, nurtured since youth



on the products of the Hollywood industry, are now more often ready to accept American entertainments than native works. The "civilised consciousness" in the Old World will not complain if it is sent plays like *Death of a Salesman* and *Harvey*. We shall be forgiven, one hopes, if we question the value, here and in America, of the synthetic *Streetcar Named Desire* and the lachrymose and unseemly *Tobacco Road*.

Whatever purpose Mr. Caldwell's charade may have had in America, in Europe *Tobacco Road* is meaningless. In Asia there was poverty at least as bad as that he portrays; it did not degrade to the state depicted. Men and women, as a community, do not, in our experience, sink to the level of these Georgian peasants. We recall the records brought from the starvation camps of the Nazis by Henri Perrin and Michel Riquet of the Society of Jesus. Even in the corpse factories the human spirit survived; often indeed, was raised to the sublime. We give no credence to *Tobacco Road*. It lacks dignity, is false. It is playing to audiences attracted by posters proclaiming "the play that shocked the *News of the World*." That newspaper could be more aptly named the *News of the Underworld*. Other critics marched over this impression of Georgia.

With a few exceptions, Tennessee Williams' *Streetcar Named Desire* has likewise been castigated by critical opinion. Ivor Brown, of the *Observer*, expressed the consensus when he dismissed it as "shoddy stuff." This reviewer considers it something worse. It seems engineered to titillate. All the characters but one are amoral; the exception is morally irresponsible, a neurotic who ends as an idiot. She, Blanche du Bois, is the central figure. No humane decision is involved in the work. Interest is maintained by outbreaks of physical violence: Blanche gets drunk; Blanche is sick; Blanche's pregnant sister is beaten by her husband; Blanche is ravished; Blanche goes mad; and—the final curtain—Blanche is taken off to the "snake-pit."

Bromides of brutality keep the audience awake. The youth of the main character is sketched in an anecdote of the "old South"; she has been brought to poverty by losing, on mortgage, "the old plantation." The atmosphere and situation are familiar to pulp readers the world over. Blanche's values are those of universal Babbitt, not of an aristocracy. She is a puerile creation galvanized by madness.

The synthesis, plus the glamour of a long pretentious part for a favorite actress seems to be Mr. Williams' formula. The mother, in the equally worthless but less offensive *The Glass Menagerie*, who had "seventeen gentleman callers" was more conservative in her demands upon the opposite sex than Blanche; she was the same character, in different focus. Helen Hayes, an exquisite artist, kept *The Glass Menagerie* open to the London public for months. Vivien Leigh brings great technical efficiency and athletic tenacity to Blanche; she, plus publicity, like Siamese twins with barkers at a sideshow, may keep *Streetcar* running for many more.

The best is to record. "*Sans blague*," says Europe's greatest clown as the arc-lights beat upon him and he

draws all Paris eagerly into his lap. "*Sans blague*," Joe Brown is the peer of Grock, and no European can say more.

Miss Chase's *Harvey* has theological depths. Set in an age when, as Mr. Auden says, "it looks good in the bar business," the hero, Elwood P. Dowd, communes with other lonely souls exiled by society to saloons. They are the tragically isolated hymned by despairing "philosophers" in postwar Europe. In *Harvey* they become figures of mystical fun; laughter is dignified by love. The rabbit is a symbol of the faith of Elwood, who has become as a little child; children love rabbits. The child is saved by his faith which, as the play develops, moves more than mountains; it moves the minds of the realistically "sane." *Harvey* may be Elwood's guardian angel. Doors open and shut at his behest, and, in the end, in a short and brilliant sermon couched in the salty language of an American taxi-driver, his message is given to an audience that needs it: regard for the lilies of the field, love and laugh, the best is yet to be. This is the most healing balm America has sent to Europe in a decade.

Much of its success is due to the performance of Mr. Brown. In idiom and rhythm it is alien to the supporting cast of English players; he is at home with Elwood. Like a conductor directing a symphony he controls the moods of his audience with the utmost finesse. He can bellow and coo, like a bull and a dove; the famous mouth becomes oboe, flute and trumpet. When laughter is cascading in great waves over the big theatre, he can still it to silence and each heart to tears. America should prize such a player. The English have always loved great actors; we who have seen this supreme artist are very reluctant to let him go back home.

In the somber school of tragic acting Paul Muni, too, shall be remembered; he has heard London cheer.

*All My Sons*, Arthur Miller's first play to be staged in London, dealt with a simple moral problem. The relationship of a father and son was the vehicle of the drama. The same relationship is elaborated in *Death of a Salesman*, but the conflict



arises from the real destiny of Willy Loman as a man in opposition to the life society has given him, symbolized in his avocation as salesman. Instinctively he is a peasant, one born to create; life has made of him one dedicated to dissipation. His concept of heaven is a "consumer's paradise."

Throughout the play, which opens as the little man's interior struggle comes to the forefront of his life and the surface of his mind, the plaintive cry of the frustrated peasant, "I have planted nothing," echoes from his lips, and the hearts of millions like him in America and England. This is a universal tragedy. Mr. Muni accentuates the nature of the man with delicate precision. The long arms always trail, downwards, as if reaching



to the soil; the fingers yearn to the earth; the walk is heavy and flat-footed; in the great cosmic dream the face is puzzled, fearful, as it roams in the past, anxious. When Biff, the boy who faces his sins and becomes a man, confesses his love for his father, Muni is transfigured. The strong, square mask, framed by the heavy hair, is turned to the sky; it glows with love. The final cry—"Such magnificence with twenty-thousand dollars in its pocket"—became a paean of charity. With it the "suicide" is, in the only terms the salesman knows, an act of self-abnegation; it is his justification and, in its dreadful banality, a poet's condemnation of the society that made Willy Loman less than a man. "He did not know who he was" says the mourning Biff above his father's grave. He did not know *what* he was is closer to the truth.

Wells' Mr. Polly, Sinclair Lewis' Babbitt, Thurber's Walter Mitty, Waugh's Joyboy, Huxley's Apes—the urban litterateurs of England and America have used the common man of this century as the butt of their satire. One could trace the decay of the humanitarian value through their books, commencing with the Dickensian optimism of Wells, ending with the cold despair of Huxley creating beings who languish for the gas-chamber.

They have reduced men to less than a monkey's dignity. Yet as Graham Greene, creator of Pinkie, a small nameless Mexican priest, and Scobie, common men, quietly observed, in his review of *The Loved One* (*The Month*, London, January, 1949): "... A God died for Mr. Joyboy too . . ."

Like Mr. Joyboy, Willy Loman is redeemed man in the twentieth century; he is the great tragic figure. His destiny is to accept his dignity; and it is his problem. The odds and his human weakness are against him; his times have brought the fruition of his ancestors' abandonment of God. He moves in an alien world that echoes with a voice that was heard as faintly by the men of Athens. His fate hangs in the balance. Aristotle, the Athenian, claimed that only men of noble birth could be tragic figures; the new Christianity said and says that all men, even common men, are born of noble parentage, sons of God. Implicitly, I believe, Arthur Miller has fused these principles into one. For an American artist it was a fitting occupation. There is greatness in his play; it faces America now, examines the conscience of a people and gives the world a universal truth. James, I feel, would have approved. That truly "civilized consciousness" could do no more.

### ***Mystery of inconsistent thought***

#### **SOCIAL THOUGHT IN AMERICA: The Revolt Against Formalism**

By Morton G. White. Viking. 260p.  
\$3.50

Professor White, in one phase of a projected mammoth work on "Social Thought in America," here limits himself to a study of "the revolt against formalism" by the kindred spirits of John Dewey, Justice Oliver W. Holmes, Thorstein Veblen, Charles Beard and James Robinson during the half-century before 1930. It is the author's thesis that these men were as one in rejecting the formalism of the past, injecting into their respective disciplines and fields of endeavor a new spirit and a scientific methodology, and trying to liberate society from the "chains of deductive reasoning" to a life of progressive intelligence.

Dewey in logic, ethics and education (his instrumentalism), Veblen in economics (institutionalism), Holmes in law (legal realism), Robinson and Beard in history (search for causes and economic interpretation respectively), all adhered to the basic pattern of evolutionary historicism and organicism as indicated by anthropological research. All threw over the "formalistic" methodologies of their predecessors, and sought to establish a "new psychology," a "new jurisprudence," a "new history," etc.

Be it said that Professor White has produced a useful work. A handy volume of comparative appreciations of

these inordinately influential men will save many a student precious time ill to be spared for much of the nonsense that they wrote. His writing is pleasant enough, though this reviewer caught himself wondering whether here was a new Cervantes describing the enthusiastic jousts of modern Quixotes with horrendous windmills and dangerous straw-men. Only, the reader knows that Cervantes is poking fun; Professor White seems to believe in the windmills. True, he points out some deficiencies, but praises his heroes for having so courageously met the enemy. The enemy? The formalists, of course! And who are the formalists? Here we do not have too clear an answer. Dewey fought the not-so-empirical British empiricists and the not-so-objective German idealists, but, after all, he had swiftly discarded a full 2,000 years of predecessors—certainly not all semi-empiricists and idealists.

Probably an oversight, but the contradiction on pages 121 and 125 leaves the reader wondering whether White thinks that Beard followed Madison or Marx in the origin of economic classes.

What of the men themselves? All of them, of course, succeeded brilliantly on one occasion or another. Veblen's insistence that economic institutions be considered in the relation to the cultural whole, his destruction of the classicists' "economic man" and his analysis of the "leisure class" represent some salutary economic thinking. The like can be said occasionally for the others in their respective fields.

But their complexus of principles and

## **BOOKS**

motives leads us to confusion worse confounded. They throw over formalism (whatever that meant for them), yet admit their search for new forms. Would that not be formalism? Dewey tries to build a philosophy without a metaphysics; Holmes presumes that his judges *make* the law (not merely show its application) according to social values, while denying any place to morals. Veblen is Holmes' counterpart in economics. Dewey retains Hegelian terminology while cutting himself off from Hegelianism, admits to making speedy progress without knowing where he is going. Beard, I think, suffers in this company, for while his historical interpretation admits of error, he usually is not constrained to go in opposite directions at once. At least he admits the historian's problem of having to choose both the facts he will investigate and the criteria according to which he will evaluate them—certainly no guarantee of an objective history. The others seem to be unaware that not only do they often throw the baby out with the bath, but that they then proceed to bathe themselves in the waterless tub!

Admittedly these men made a contribution to American study in that they emphasized evaluation of principles in the light of facts—not exactly

a modern invention, by the way. Their insistence on the historico-organic approach to reality coincides with scholastic ethics, even though they were unaware of it. But how their inconsistent thinking could have held America in its grip for so long is a mystery. Mystery or not, to understand American thought one must understand these men. Professor White contributes to that understanding. Lack of an index is quite disconcerting.

JOSEPH B. SCHUYLER

## Guide out of the cold war

### HOW TO WAGE THE PEACE

By Hans W. Rosenhaupt. John Day. 242p. \$2.95

"I believe so sincerely in peace that I want to do something about it, but what can I do?" Stepping down from lecture platforms all over the country, Mr. Rosenhaupt has been confronted with earnest, well-meaning people asking that and similar questions—"What can I personally do to promote peace"; "I do not believe that force settles anything, but how can I help improve international relations?"

With a thoroughness reflecting his early German training Mr. Rosenhaupt has prepared a handbook for those of us who are willing to perform any task in the interest of peace. He has not only suggested some of the practical things we can do to better international relations, but he also indicates that there are many things we are presently doing that could better be left undone.

Mr. Rosenhaupt believes that a food parcel packed and shipped by an individual in this country to an individual in a war-devastated area does more to promote good-will than government-to-government aid can inspire. He believes that an American citizen writing his views on policy and program to his Senators and Congressmen responsible for our foreign relations is more effective than signing group resolutions without personal identity. This author does not stop with a simple suggestion or a project. He tells us in detail how to go about performing the task. In the instance of the food parcel, he tells you how to pack it, what to put in it, how to address it and how to select the recipient. The author gives us the names of individuals to write to in Washington and Lake Success in communicating our personal views on matters affecting the peace of the world.

To those of us who wish to join organizations working for peace, Mr. Rosenhaupt has given valuable counsel. He says we all talk too much and act too little. Find out first, he suggests, if groups we are asked to cooperate with are well-meaning people meeting in complete frustration just to talk about

peace. He points out that you can devote hours to talking about the most serious aspects of international differences, but that unless your meeting results in conclusions committed to action your time is wasted. Find out, says our author, if you and your associates actually believe that world peace means a state of affairs in which nations live side by side without resorting to war, settling their differences in a civilized manner. Or do your associates, and you yourself, believe that peace means the successful imposition of your form of government throughout the world?

In listing the many cultural groups promoting international understanding, he reminds us to take full advantage of the opportunities we have to work for peace through our religious affiliations. Several chapters of the book are given to ways and means of working for and through the United Nations. He reminds us that United States citizens have more to say about what happens to the United Nations than do the citizens of any other country, and asks that we use this power to help the United Nations survive and grow.

"Naturally, with the infernal crackle of the atom bomb at Bikini still in our ears, we distrust the quiet voice of peace," says Mr. Rosenhaupt. His book, however, tells us effectively that "peace, like war, must be waged to be won."

LUCY MCWILLIAMS

## Two to make the Bible more real

### THE FAMILY AT BETHANY

By Alfred O'Rahilly. Cork University Press. 216p. 12/6

### WOMEN IN THE OLD TESTAMENT

By Norah Lofts. Macmillan. 178p. \$2.50

In his preface the author, President of University College, Cork, states that he has long cherished the hope of writing a life of Christ and that the present book is one of a prospective series in preparation for the greater work to follow. We hope his plans succeed, for if the volumes to come maintain the standard set in this first venture, his life of Christ will be a distinct contribution to our Catholic religious literature. Though a layman, disclaiming "any special training in exegesis or theology," he has devoted his spare time during many years to the loving study of the Gospels, and in this book he shows that he has carried that study along in a scholarly manner.

The Gospel texts referring to the family at Bethany are freshly translated and are followed by brief notes discussing details of the phrasing, with special reference to the original Greek

and occasional glances at pertinent Hebrew or Aramaic expressions. Then comes an extended study of the meaning of the text, special care being taken to refute non-Catholic misinterpretations or objections. This work of refutation is most notable in regard to the raising of Lazarus and the resurrection of Christ, where such rationalistic imposters as Renan are unmasked.

Particular attention is devoted to the representations of the Gospel scenes in art. Line drawings of ancient pictures are scattered through the studies and, as an appendix, there are twenty-two pages of illustrations on art paper. All these pictures, totaling seventy, are treated with critical analysis. Toward the end an excursion is made to include the parable of Dives and Lazarus for the purpose of showing the futility of the rationalists' contention that the parable fired St. John's imagination to invent the story of Lazarus of Bethany.

On the moot question whether Mary of Bethany is to be identified with Mary Magdalen or with the sinner of Luke 7 or with both, the double identification is defended as probable. The arguments in support of this identification are developed only toward the end of the book, but in the various episodes where one of the three plays a part, this probable identification is kept in mind. While this does not essentially modify the exposition, it is discreetly used to stress points that would otherwise be ignored.

The arguments for or against the identification are cumulative, no single argument weighing heavily in the scale on either side. It must be conceded that Dr. O'Rahilly here has strengthened the probability for the identification by clearly refuting some of the arguments for the other view. Here, as in many other sections, all the probabilities, and even the possibilities, are carefully weighed, and judgment is pronounced with pleasing clarity according to the evidence. This may make rather heavy reading for those who like to arrive swiftly at definite conclusions stamped with the seal of certainty, but it provides good things in abundance for those willing to make careful study of the Gospels.

Having won recognition by several novels, Mrs. Lofts turns her deft literary touch to drawing portraits of twenty Old Testament women ranging from Sarah to Esther, contrasting pairs being made of Sarah and Hagar, Leah and Rachel, Deborah and Jael. Where the Biblical material is meager, she fills it out with a novelist's sense for local color and daily detail. Such portraits have often been done before, not only in the scattered notices of commentators but also in general literary studies of the Bible and in special

grouping. The present work invites comparison particularly with H. V. Morton's *Women of the Bible*, published some eight years ago.

While Mrs. Lofts gives only passing notice to the geographical and archeological features that characterize Morton's treatment, she excels in a keen psychological analysis that lays bare hidden motives with a thoroughness often delightful and sometimes rather disconcerting. At times she labels her findings as merely probable, but for the most part she speaks with a tone of certainty that cannot always be shared by the reader. She shows rare skill in selecting significant phrases in the brief Biblical accounts and making them stand out as revelations of the women's inner life.

Her insistent probing of thoughts and feelings gives the impression of a lack of sympathy at times. The wives of the patriarchs get especially severe handling, though of course such women as Potiphar's wife and Delilah are shown for the scum that they were. Naomi is almost blanked out in favor of Ruth, and is given no credit for the practical sagacity and the ability to win the love and admiration of others that have made her charming to some critics. The Queen of Sheba is delightfully depicted as having her vanity deflated by the wisdom and magnificence of Solomon.

In trying not to offend either those whom she calls "even the most orthodox" or those who look on the Bible as "a bogey outgrown," Mrs. Lofts is hampered throughout by what has come to be tagged as the Anglican spirit of compromise. Even when she yields, as she does for the most part, to the obvious charm and sincerity of the Scripture records, she seems to be glancing around nervously for fear some sophisticated friend may be smiling cynically at her credulity. But despite the pitying dismissal of those who pray for rain or who try to "bribe" God by making vows, her book makes refreshing reading and should fulfil her wish that it may induce some people to read the Bible. WILLIAM A. DOWD, S.J.

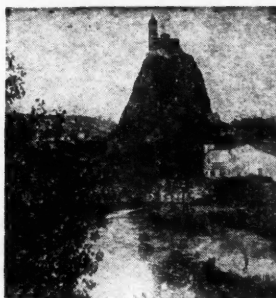
**PETER COOPER:** Citizen of New York

By Edward C. Mack. Duell, Sloan and Pearce. 384p. \$5

New Yorkers who know and love their city know Peter Cooper's monument—the rather drab-looking, lumpy structure which rises where the Bowery ends and Third and Fourth Avenues begin, and is known to thousands as "Cooper Union." From its foundation in 1859 down to the present day it has provided a rostrum for causes, popular and un-



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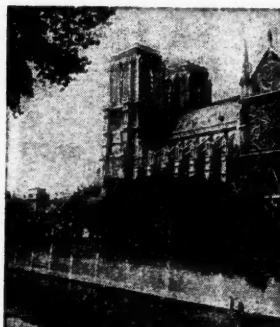


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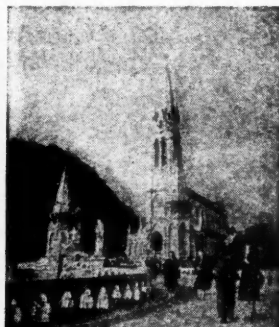
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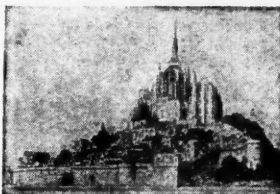
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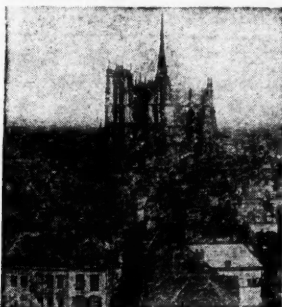
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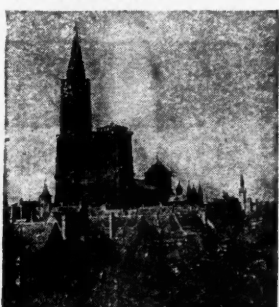
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popular, and has given free instruction in art and technology to many thousands of eager students. Its graduates have made their mark in American science and industry, but its founder has had to wait until now for an adequate biography.

Dr. Mack has done an excellent piece of work. He is painstaking, judicious, scholarly—but, better than all this, he has the knack of creating a character out of the mass of materials which he has assembled. A sympathetic, understandable human being remains with the reader after the book is put down, and there is no reason to doubt that it is the real Peter. The careful notes and documentation are proof of the author's effort to be exact, full and fair.

Peter Cooper's career has many lessons to teach the present generation. A pioneer industrialist, ironmaster, promoter, he never forgot that if he had got much, he owed much. Although one may quarrel with the remedies he felt were proper for the economic diseases of our system, one cannot withhold praise for the spirit with which he warred against complacency and the arbitrary use of economic power. Had more of the nineteenth-century industrialists been like him, we should have less to regret at this moment. To proponents of deficit financing it may be news that Cooper never borrowed money for any of his enterprises, and because of his insistence on keeping liquid capital available was able to undertake important new ventures in times of general depression.

VIRGINIA A. HOPKINS

### BRING OUT YOUR DEAD

By J. H. Powell. U. of Pennsylvania. 286p. \$3.75

The author does well to give advice in the first words of his interesting preface: "Do not read this book before eating or in the midst of a sleepless night." Undoubtedly he is warning readers who don't know the surgical and medical sciences. For the professional, the book is a real contribution to the history of medicine. It is a detailed account of the 1793 plague that wrought such havoc in Philadelphia—at that time our largest city, with a population of 55,000. With the usual average of 1,400 annual deaths, the stricken city witnessed 4,000 carried to an untimely grave from the end of August, 1793, to November, when the cold weather set in and gave some surcease.

The courageous zeal of Dr. Benjamin Rush is praised highly by the author, who does not, however, hesitate to tell the tragic results of this physician's persistent stubbornness in spurning advice from other doctors and surgeons.

The result, it would seem, was that many more lives were lost than would have been the case if consultations had been welcomed. Dr. Rush brushed aside all interference and subjected his victims to merciless purges and bleedings. Through the generous cooperation of Philadelphia's wealthiest citizen, Stephen Girard, and assisted by two faithful, self-sacrificing Negroes, Dr. Rush was able to pursue his courageous but fatal course.

Incidentally the story features an impressive record of unselfish service and valor on the part of Philadelphia Negroes.

*Bring Out Your Dead* is the history of a panic and should be read as such. I doubt if it is in any way a contribution to medical practice, though it can serve as a warning to physicians against self-satisfied omniscience.

DREW ASHTON

### CHRISTINA ROSSETTI: A Portrait with Background

By Marya Zaturenska. Macmillan. 294p. \$4

When Katherine Tynan showed Alice Meynell a note of invitation from Christina Rossetti, Mrs. Meynell said, in a hushed tone: "Then you will have the privilege of seeing a saint."

The advantage of this study over previous biographies is not so much that Marya Zaturenska sets the Anglican poetess against the background of her time, but that she attempts to show an inner change and development in the direction of sanctity which had its counterpart in a poetry that became more and more a reflection of her God-haunted life.

What is especially admirable is that the writer succeeds in showing the very real striving for perfection, the backslidings as well as the goal. Mauriac in *God and Mammon* has remarked on the great difficulties of this kind of study, because "what we call a beautiful character has become beautiful at the cost of struggle against itself, and this struggle should not stop until the bitter end."

It has been common for twentieth-century critics of Christina Rossetti to wish that she had continued to live among the roses and lilies and violets and April raptures that make so many of her early poems delightful. They do not wish her devotional poems unwritten; they simply have not read them. But Christina Rossetti eventually wrote some of the finest devotional poems of the last century. One need but compare her religious verse with the persistent note of unconvincing religiosity in most of the women poets who preceded her—Letitia Landon, Felicia Hemans, Elizabeth Barrett Browning



## The SPIRITUAL LIFE OF THE PRIEST

by

M. EUGENE BOYLAN, O.C.R.

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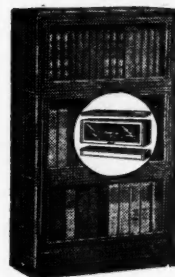
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Christina Rossetti was long neglected, but the year 1930 brought the centenary of her birth and produced a long series of studies. Marya Zaturenska has had the advantage of the spadework of many scholars and interpreters, and uses their work effectively without being herself dominated by it.

One element in Christina Rossetti—and a very important one—still eludes her biographer and leaves a deep mystery brooding over her later poetry. There grew in her a grim Calvinistic strain which forbade her to look forward with any degree of certitude to salvation. Whence came this? Certainly it is un-Anglican and certainly it must be accounted for. JOHN PICK

## THE WORD

*There was a marriage in Cana of Galilee: and the mother of Jesus was there. And Jesus also was invited. . . .*

"Also?" Joe's voice filled the word with astonishment.

I nodded.

"But Jesus should have been the main guest!"

"He was," I said. "But they didn't know it."

"Why didn't they?"

"Because He hadn't told them who He was."

Joe took a yo-yo from his pocket and whirled it up and down on its string. Presently he said: "They knew after He changed the water into wine, didn't they?"

"No."

He caught the yo-yo in his hand and stared at me. "But He worked a miracle!"

"Prophets had worked miracles, too."

Joe dropped the yo-yo once to the end of its string, and stopped it as it whirled back into his hand. "How did people know *they* weren't God?"

"They told the people they weren't."

"Oh." He curled himself into a chair in a position that a yogi might have

envied. "But Jesus *was* God."

"Yes. And when the right time came, He said so. That's the difference between Him and all His prophets and saints. They worked miracles, and so did He. But they weren't God, and said they weren't. He was, and said He was. Then He proved it."

"How, Dad?"

"He rose from the dead, and ascended into heaven, and sent the Holy Spirit.

And the Holy Spirit keeps telling us who Jesus is."

Joe's eyes opened wide. "He does? The Holy Ghost does?"

"Of course He does."

Joe, involuntarily, half-glanced over his shoulder. "You mean He's telling me right now?"

Laughter bubbled up in me. "Don't be looking over your shoulder for Him. You can't see Him."

Joe grinned sheepishly, put out his hand, and allowed the yo-yo to run down the string and dangle, spinning. "I know, Dad. But do you mean the Holy Ghost keeps telling me all the time who Jesus is?"

"If He ever stopped, you'd lose your faith."

Joe looked apprehensive. "He *won't* stop, will He?"

"Not unless you stop Him."

Joe pointed at his breast. "*Me?* I can't stop God, can I?"

"You could stop listening to Him. You could tell Him you were going to go your way, not His. Some people do."

Slowly, Joe wound the string around his yo-yo. More slowly, he spoke: "Why?"

"Because they would rather be bad than good."

Joe stuffed his yo-yo into his pocket. "Yikes," he said. "I hope I never get like that."

"I'll tell you a sure way not to," I told him.

He waited.

"Always say your prayers," I said. "Whatever you do, do that."

I rumbled his hair. "Then God will be your guest—Father, Son and Holy Ghost." JOSEPH A. BREIC

## THEATRE

**THE VELVET GLOVE.** Here is a comedy, produced by Guthrie McClintic at The Booth, and also directed by Mr. McClintic in a just-right set designed by Donald Oenslager, which will give you an evening of fine entertainment and wake up your Catholic conscience.

Rosemary Casey has created a group of characters who are planets moving in a system, rather than particles floating in chaos, and has provided them with a slender but adequate story that is decorous, humorous and intellectually satisfying to a mind not too debauched by modernism. It is a simple story. A young professor in a girls' college is accused of insinuating subversive social ideas into his lectures. The bishop of the diocese wants to fire





him, while the nuns who manage the college want to keep him on the job. There is not a great deal of suspense in the contest, since the eventual winner is obvious from the start. After all, nuns are women while bishops are men, and the former usually outsmart the latter.

The plot, as too frequently happens in social-purpose plays, is a trifle anemic and in the second act Miss Casey resorts to padding; but the surplus matter is not too conspicuous and

does not impair the over-all effectiveness of her message. Besides, a pair of old pros, Grace George and Walter Hampden, co-starred in the production, are usually on stage during dramatic voids, either together or solo; and both are experts in filling an empty scene with interesting histrionic business. Jean Dixon and John Williams, a beligerant nun and a befuddled bishop, also lend the author a helping hand when her story lags.

It is difficult to say which of several

excellent performances is best. My preference leans toward Miss George, the sweet and wise Mother General of the nuns, with Jean Dixon's petulant meek-character a close second. Naomi Riodan is exquisite as a religious who finds life in the order so happy that she is worried because she has no cross. James Noble is good as the persecuted professor, and Barbara Brady, in love with him, is better as the Mother General's secretary.

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plays like *All My Sons*, *Born Yesterday* and *Goodbye, My Fancy*, in which the characters are people groping in the dark for social justice, with only a vague notion of what they are looking for, it is gratifying to encounter a play in which the characters have a sense of direction and work with chart and compass. There is a clash of ideas and personalities in Miss Casey's comedy, causing sufficient excitement to divert attention from the absence of suspense, but the excitement does not begin in confusion and end where it started, as in, for instance, *How I Wonder*. The conflict is over specific issues, and the antagonists know precisely what they are fighting for. Their furious antagonism should be enlightening to Protestants in the audience who, mistaking discipline for cringing, incline toward the notion that Catholics are habitually submissive to their clergy. Some lines in the play will probably be a revelation to a good many of them.

THEOPHILUS LEWIS

## FILMS

**SUFFERING FEMALES.** When a pithy evaluation is required for a film trafficking in hard-breathing emotions tied to patently bogus situations, a critic's best friend is the radio-spawned descriptive epithet "soap-opera." At the moment the movie woods are full of them. The common denominator of the sagas of anguished and ill-used ladies is an atmosphere of pseudo-sophistication and a code of morals which is either non-existent or peculiar, to say the least.

**EAST SIDE, WEST SIDE** is adapted from a novel by Marcia Davenport which I understand also had the characteristics of a radio serial. It is concerned with the gallant struggle of a wife (Barbara Stanwyck), who is apparently intended to represent the ideal American woman in the higher income-tax brackets, to save her marriage to a philandering scoundrel (James Mason). Her chief recurring threat is a well-stacked tramp (Ava Gardner), whose effect on the husband is described as similar to that of a drink of whiskey on an alcoholic. This menace, however, is eliminated by means of a murder which has nothing to do with the rest of the plot and contributes very little to the wife's ultimate decision to give up the fight. What the scenarist, painting feminine altruism at its noblest, ignores is that the heroine stayed with her husband just so long as it suited

her personal inclinations. When a suitable replacement (Van Heflin) hove into sight she immediately threw up the sponge. (MGM)

**THELMA JORDON.** Continuing for a moment with the travails of Miss Stanwyck, here she is seen as a woman of mystery. Is she the victim of an unkind fate, falsely accused of murder on circumstantial evidence, or is she a heartless murderess playing on the credulity of the love-smitten district attorney (Wendell Corey) in order to gain an acquittal? By the time the question is answered with the latter alternative she is suffering, unaccountably under the circumstances, from the pangs of re-

generation. As a result she removes herself permanently from the scene in a suicidal and fruitless attempt to save the lawyer from disbarment. The only thing vaguely original or believable about the picture is its exposition of the technique for prosecuting a murder trial to ensure a verdict of "not guilty," which for the general public would hardly seem to come under the heading of useful or edifying information. (Paramount)

**MY FOOLISH HEART** asks for tolerance and understanding for a girl (Susan Hayward) who, facing motherhood out of wedlock when her lover (Dana Andrews) is killed in a plane

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crash, traps an old flame (Kent Smith) into marriage. She genuinely regrets this last injustice and several dipso-maniacal and unhappy years later proves it by giving her husband back to her college chum (Lois Wheeler) whom he should have married. However, given the elaborate set of mitigating circumstances contrived for the heroine at every turn and the cruel misunderstanding which she constantly encounters, the audience is supposed to judge her on all counts to be a victim rather than a sinner. The picture has an air of professional competence and at odd moments makes some laudable points about the pitfalls of modern courtship and the folly of hasty war-time marriage which ring with hollow insistence through its tainted, tear-jerking framework. (Samuel Goldwyn-RKO)

WHIRLPOOL describes the plight of a poor little rich girl (Gene Tierney) who is, psychosomatically speaking, in a very bad way. Among other things she has kleptomania and insomnia as well as a variety of frustrations brought on by having to play the poised and serene wife in the presence of her psychiatrist husband (Richard Conte). As a result she is easy prey for a glib-tongued charlatan and defrauder of women (José Ferrer), who sympathizes with her problems, cures her headaches by hypnotism and eventually uses her as "fall guy" when he finds it necessary to murder one of his earlier victims. Miss Tierney in a hypnotic trance is inspired type-casting and Mr. Ferrer even under difficulties is an interesting actor, but the picture as a whole achieves little suspense and less sense. (20th Century-Fox) MOIRA WALSH

## PARADE

ACTING SOMEWHAT AFTER THE fashion of an X-ray machine, the week's news showed word-pictures that revealed malignant cells in modern family life. . . . Symptoms could be observed in domestic circles here, there, everywhere. . . . Trifles were blown up to seem tremendous. . . . In Memphis, conflicting attitudes towards vegetables sundered spouses. . . . Following a heated argument about whether or not to have cabbage for dinner, a husband chased his wife with a butcher knife. . . . Table condiments begot domestic rifts. . . . In Dayton, O., a husband told the court his wife irritated him by putting salt and pepper on his bed. . . . In Los Angeles a young wife testified that her husband loved soup more than he loved her. She declared: "It may sound silly but my husband's chief complaint against me was that I didn't make soup often enough. Sometimes he would burst out crying and that was the only explanation he would give me." . . . The tendency of today's families to scatter was noticed. . . . In the East, eight husbands were picked up by police in Florida, hauled back to New York to answer charges of abandoning their wives and children. . . . A mysterious fountain of youth seemed to be at work to the detriment of the home. In Boston, a seventy-year-old widow was accused of trying to induce a thirty-one-year-old husband to desert his thirty-year-old wife. As the week's news moved on and on, more and more did modern domestic life look like confusion's masterpiece. . . . In Chicago, an unemployed presser

sought simultaneous divorces from two wives. He had mistakenly assumed wife number one had obtained her freedom. . . . In Los Angeles, a wife, seeking divorce from her husband number six, was charged with failing to divorce husband number four. . . . New reasons for breaking up homes were established. . . . In Hawaii, a court ruled that bridge-playing five nights a week by a spouse constituted grounds for divorce, especially if the spouse talked much about bridge during his non-playing periods. . . . Post-mortem conflicts emerged. . . . In Boston, a young widow, who recently killed her husband, sued for his insurance. The suit was necessary, it appeared, because Massachusetts law disallows claims for insurance if either spouse murders the other, objective of the law being discouragement of homicide within the home. . . . That cold wars turn quickly to hot ones among elopers was asserted by a California judge. He declared: "Young people now disgrace the word 'elope.' It used to be a romantic word. Now the couple take a bus to somewhere, find a preacher, are wed under a neon sign advertising marriage facilities. Once the first year of marriage was a honeymoon. There are no honeymoons any more. The couple start quarreling as soon as they get home."

The social cancer which is breaking down home life today has its origin in the false diagnosis which asserts that divorce can be kept within bounds. . . . The pages of history are impressive in their refutation of this diagnosis.

JOHN A. TOOMEY

*William J. Igoe, present drama critic of the London Catholic Herald, has had long newspaper experience on the Glasgow Observer and the Scottish Catholic Times.*

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